



ANNIE B. ROSE HOUSE TENANT SELECTION PLAN

Section 504 Equal Access Statement

For mobility impaired persons

This document is kept at Annie B. Rose House which is an accessible facility on an accessible route. This document may be examined from Monday through Friday between the hours of 9:00 a.m. and 5:30 p.m. You must phone in to make arrangements to examine this document. Please call 703-548-4946, (TTY) 703-548-7946 or call "711" to reach the National Telecommunications Relay Service.

For hearing impaired persons --

Annie B. Rose House will provide assistance to hearing impaired persons in reviewing this document. Assistance may include provision of a qualified interpreter at a time convenient to both Annie B. Rose House and the individual with handicaps. Please call (TTY) 703-548-7946 or "711" to reach the National Telecommunications Relay Service to schedule an appointment.

For vision impaired persons --

Annie B. Rose House will provide a staff person to assist a vision-impaired person in reviewing this document. Assistance may include: describing the contents of the document, reading the document or sections of the document or providing such other assistance, as may be needed to permit the contents of the document to be communicated to the person

Assistance to insure equal access to this document will be available in alternate formats and provided in a confidential manner and setting. An individual with disabilities is responsible for providing his/her own transportation to and from the location where this document is kept by advocacy groups, social workers, family members or personal friends. The applicant should inform Annie B. Rose House if additional assistance is needed to complete forms or understanding program requirements, procedures, house rules, etc. Advocacy groups, social workers, family members or personal friends may provide assistance. If an individual with disabilities is involved, all hearings or meetings required by this document will be conducted at an accessible location with appropriate assistance provided.

It is the policy of Annie B. Rose House to comply fully with Title VI of the Civil Rights Act of 1964, The Federal Fair Housing Act, 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, the

Virginia Fair Housing Law, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

**FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS
STATEMENTS OF NON-DISCRIMINATION**

Under Federal Law it is illegal to discriminate against any person or group of persons because of race, color, religion, sex, handicap, familial status or national origin.

The Virginia Fair Housing Law prohibits discrimination because of race, color, religion, sex, national origin, elderliness, familial status and disability. In addition, owners must comply with local fair housing and civil rights laws.

Annie B. Rose House shall not:

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

Annie B. Rose House shall not automatically deny admission to a particular group or category of otherwise eligible applicants; i.e., single head of households with children, elderly pet owners, or families whose head or spouse is a student). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Annie B. Rose House will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, Annie B. Rose House will make physical or procedural changes to permit individuals with disabilities to have full advantage of the housing program. Such accommodations may include changes in the method of administering policies, procedures, or services.

In addition, Annie B. Rose House may perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

In reaching a reasonable accommodation with, or performing structural modifications for, otherwise qualified individuals with handicaps, Annie B. Rose House is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;***
- Provide an elevator in any multi-family housing development solely for the purpose of locating accessible units above or below the grade level;***

- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on Annie B. Rose House.

PRIVACY POLICY

It is the policy of Annie B. Rose House to protect the privacy of individuals covered by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' verification records maintained by the property.

This information may be released to appropriate federal, state and local agencies, when relevant, and to civil, criminal or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released unless the individual gives written authorization to do so.

This privacy policy in no way limits Annie B. Rose House ability to collect such information as it may need to determine eligibility, compute rent or determine an applicant's suitability for tenancy.

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

APPLICATION REQUIREMENTS

The following information will be used to determine program eligibility for anyone who is seeking housing at the property.

- The head of household must complete a written application certifying the accuracy of all information that is provided. The applicant will be provided with the appropriate forms HUD-9887 and 9887-A, requesting their Consent for Release of Information. This consent allows Management to verify their income, assets and medical expenses by third-party verification.
- Proof of age is required as documented by a birth certificate, or date-of-birth as listed on a legal document such as a driver's license.
- A criminal background search will be obtained.
- Verification of employment, income, bank accounts, and other assets, etc. is required as applicable for each applicant.
- Verification of previous housing, for 5 years, is required. This will include references from previous landlords. If applicable, it will also include verification for those who were homeowners or lived with family. Applicants will not be rejected solely for a lack of rental history.
- Proof of citizenship status for all members of the household is required.
- Verification of Social Security Number in accordance with HUD Notice H10-08 (see page 3)

ELIGIBILITY REQUIREMENTS

A. Income Limits

The annual gross income of the applicant(s) must not exceed the very low income limit, which is 50% of the median income for the City of Alexandria, Virginia. (see property for current income limit)

B. Sole Residence

The unit must be the applicant's sole residence in order for the applicant to be eligible for housing.

C. Citizenship Requirements

Only applicants and tenants who are United States citizens and eligible non-citizens may benefit from federal assistance. Specifics regarding citizenship requirements and the documentation process are provided in **(Attachment 1A)** attached to this Plan.

D. Certification of Social Security Numbers

Effective January 31, 2010 all household members must provide social security numbers. See page 4 for specific information regarding SSN requirements.

E. Eligibility of Students

An applicant's student status will be determined at move-in, annual recertification, and initial certification. Federal assistance will not be provided to any individual who is enrolled as a 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. Certain regulations apply to this eligibility and will be adhered to (see page 9).

OCCUPANCY STANDARDS

In accordance with the Annie B. Rose House Regulatory Agreement, this facility is designated as having owner adopted preferences for elderly and disabled. As such, per HUD 4350.3 Handbook (Chapter 3 Section 2), definitions for elderly/near-elderly, disabled/non-elderly are as follows:

- A. An elderly family is one in which the head of household, co-head, or spouse is at least 62 years of age.
- B. A near elderly family is a family whose head, spouse, or sole member is a person with disabilities who is at least 50 years of age but below the age of 62; or who or more persons with disabilities who are at least 50 years of age but below the age of 62, living together; or one or more persons who at least 50 years of age but below 62, living with one or more live-in aide.
- C. A non-elderly disabled family is one in which the head of the household, co-head, or spouse is disabled and less than 62 years of age at the time of family's initial occupancy.

CITY OF ALEXANDRIA OCCUPANCY GUIDELINES

The Annie B. Rose House facility offers 90 subsidized one-bedroom units. The occupancy guidelines we follow are in accordance with the City of Alexandria Occupancy Guidelines (11th Edition July 2006), which states in part:

Sleeping rooms: Every room occupied for sleeping must contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one person shall have 50 square feet of bedroom size for each occupant thereof.

TAKING APPLICATIONS FOR OCCUPANCY

Applicants are required to complete an application form and consent to release of information necessary to verify all income, expenses, assets, household characteristics and circumstances that effect eligibility or rent calculation. Management, in compliance with regulations contained in the HUD Handbook

4350.3, Change 2, Chapter 4, Section 3, will independently verify this information for all members of the applicant's household.

1. Application: Anyone who wishes to be admitted to an assisted property or placed on a property's waiting list must complete an application. In addition to providing applicants the opportunity to complete applications at the project site, owners may also send out and receive applications by mail. Owners shall accommodate persons with disabilities who, as a result of their disabilities, cannot utilize the owner's preferred application process by providing alternative methods of taking applications.
2. Applicant certification: The application must include a signature from the applicant certifying the accuracy and completeness of information provided.
3. Race and ethnicity self-certification: The applicant provides self-certification of their race and ethnicity for data collection by using form HUD-27601-H. Completing this form is optional and there is no penalty for not completing it. Owners should not complete the form on behalf of the tenant. When the applicant chooses not to self-certify race or ethnicity, a notation that "*The applicant chose not to provide the race and ethnicity certification*" should be placed in their file.

A. Contents of Application

Although HUD does not prescribe an application format, a written application form used to initiate verification of eligibility factors should include the following data:

1. Household characteristics— name, sex, age, disability status (only where necessary to establish eligibility) of each household member, need for an accessible unit, and race/ethnicity of head of household;
2. General household contact information — address, phone number, etc.;
3. Identification of the approved preferences, if HUD approval is required, for which the household qualifies (only if preferences are used at the property);
4. Source(s) and estimate(s) of household's anticipated annual income and assets;
5. Citizenship declaration and verification consent forms;
6. Marketing information to understand how the applicant heard about the property; and
7. Screening information — prior landlords, credit, and drug and criminal history consistent with the property's tenant selection policies.

B. Types of Applications

Owners may choose to use a "full" application form, requiring all the detailed information needed to make a determination of eligibility, or a shorter pre-application form.

1. If an applicant will be placed on a waiting list, as opposed to being immediately offered a unit, the owner may use a pre-application (brief form of application), which provides the minimum information needed to determine if the applicant should be put on the waiting list.
2. If only a pre-application has been completed, a full application should be completed at the time a unit is available so that the owner has enough information to determine the applicant's eligibility completely.

The application will be rejected if management determines there is a substantial risk that the applicant, other family members or visitors to the apartment will interfere with the health, safety, security, or right to quiet enjoyment of other residents.

If a rental history cannot be obtained, the applicant will be asked to furnish at least two personal (non-family), reputable references whom the applicant has known for a minimum of one year.

Applicants must certify in writing as to whether any adult family member did/did not dispose of any assets for less than fair market value during the two years preceding the effective date of their initial certification.

Applicants will be advised that, for a sample of cases, HUD will compare the information families supply with the information Federal, State or local agencies have on those families' incomes and household compositions. Applicants and Household members eighteen years of age or older will be required to sign HUD Form 9887 and any other forms required by HUD for such purposes.

Applicants must certify that the unit applied for will be the applicant's sole residence and the applicant will not maintain a separate subsidized rental apartment in a different location.

Applicants will update their applications as requested by management as needed. Management will make two phone calls or mail attempts to contact the applicant.

When a determination has been made that an applicant does not satisfy the Tenant Selection Criteria, he or she will be given prompt, written specific notice of the determination. The applicant will be given 14 days to submit additional Information, which may be grounds for reconsideration. Persons with disabilities have the right to request a reasonable accommodation to participate in an informal hearing process. If it is determined that the applicant is eligible, he or she shall be replaced to his or her original position on the waiting list.

Exceptions to the guidelines contained in this Tenant Selection Criteria may be made at the discretion of the management company when it is determined that it is in the best interest of the applicant or the property to do so.

OPENING AND CLOSING WAITING LISTS

In order to maintain a balanced application pool, Annie B. Rose House may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Annie B. Rose House will also update the waiting list by removing the names of those who are no longer interested in or no longer qualify for housing.

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a Federal preference, and the ability of Annie B. Rose House to house an applicant in an appropriate unit within a reasonable period of time.

Generally, if the length of the waiting list is such that an applicant would not likely to be admitted for the next 24 months Annie B. Rose House may advise the applicant that no additional applications are being

accepted for that reason.

Closing the waiting lists, restricting intake or opening the waiting lists will be publicly announced in the same or similar manner in which Annie B. Rose House advertises for rental (Alexandria Gazette, Property Website). During the period when the waiting list is closed Annie B. Rose House will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

SOCIAL SECURITY NUMBER REQUIREMENTS:

The regulation at 24 CFR 5.216 now requires that assistance applicants and tenants, excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status, to disclose and provide verification of the complete and accurate SSN assigned to them. In addition, the process of having an applicant household certify they have a SSN for each household member six years of age and older, and continuing with the recertification process until the time of their move-in certification is no longer applicable.

EXCEPTIONS TO DISCLOSURE OF SSN:

THE SSN REQUIREMENTS DO NOT APPLY TO:

INDIVIDUALS WHO DO NOT CONTEND ELIGIBLE IMMIGRATION STATUS.

- (a) Mixed Families: For projects where the restriction on assistance to noncitizens applies and where individuals are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, the owner will have the tenant's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.

NOTE: The O/A may **not** deny assistance to mixed families due to nondisclosure of a SSN by an individual who does not contend eligible immigration status.

- (b) Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.

The eligibility determination is based on participation in either a Public and Indian Housing or Multifamily HUD assisted program. The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.

- (1) The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.
- (2) When determining the eligibility of an individual who meets the exception requirements for SSN disclosure and verification, documentation must be obtained from the owner of the property where

the initial determination of eligibility was determined prior to January 31, 2010, that verifies the applicant's exemption status. This documentation must be retained in the tenant file. An O/A must not accept a certification from the applicant stating they qualify for the exemption.

- (c) Existing tenants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined their SSN to be valid. O/As may confirm HUD's validation of the tenant's SSN by viewing the household's Summary Report or the Identity Verification Report in the EIV system.

TIMEFRAME FOR PROVIDING SOCIAL SECURITY NUMBERS

1. Applicants

(a) Applicants currently on or applying to waiting list

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

(b) Housing applicants from the waiting list

If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.

The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

2. Tenants

(a) Timeframe for providing SSN

- (1) All tenants, except those individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 (based on the effective date of the form HUD-50059 or form HUD-50058, whichever is applicable), and those individuals who do not contend eligible immigration status, must disclose and provide verification of their SSN at the time of their next interim or annual recertification if:
 - (i) They have not previously disclosed a SSN;
 - (ii) Previously disclosed a SSN that HUD or SSA determined was invalid; or
 - (iii) Been issued a new SSN.
- (2) If a tenant fails to provide a valid and verified SSN, the household is subject to termination of tenancy in accordance with 24 CFR 5.218.

(b) SSN Not Previously Disclosed

The head of household must bring SSN verification, through one or more of the documents listed in Section IV.D Verification, to the recertification meeting for any household member who has not disclosed and provided verification of their SSN.

(c) Invalid SSN Disclosed

The head of household must be notified when EIV pre-screening or the SSA validation determines that a household member has provided an invalid SSN. See Section IV.D.1(d) for information on the Failed EIV Pre-Screening Report and the Failed Verification Report and Section IV.D.2 for acceptable SSN verification documentation.

(d) Assignment of a New SSN

If a tenant or any member of a tenant's household is or has been assigned a new SSN, the tenant must provide the SSN and documentation to verify the SSN (see Section D. Verification below) to the O/A at:

- (1) The time of receipt of the new SSN; or
- (2) The next interim or regularly scheduled recertification; or
- (3) Such earlier time as specified by the O/A.

(e) Adding a Household Member

(1) Age Six or Older

When a tenant requests to add a household member who is age six or older, the documentation of the SSN as referenced in Section IV.D.2 of this notice for the new household member, must be provided to the O/A at the time of the request or at the time the recertification that includes the new household member is processed. The O/A must not add the new household member until such time as the documentation is provided.

(2) Child Under the Age of Six

- (i) With a SSN - When adding a household member who is a child under the age of six with a SSN, the child's SSN must be disclosed and verification provided at the time of processing the recertification of family composition that includes the new household member.
- (ii) Without a SSN - If the child does not have a SSN, the O/A must give the household 90 days in which to provide documentation of a SSN for the child. An additional 90-day period **must** be granted by the O/A if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the tenant. Examples include but are not limited to: delayed processing of the SSN application by the SSA, natural disaster, fire, death in family, etc. During this time period, the child is to be included as part of the household and will receive all of the benefits of the program in which the tenant is involved, including the dependent

deduction.

A TRACS ID will be assigned to the child until the documentation of the SSN is required to be provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child's TRACS ID to the child's verified SSN. If the SSN is not provided, the household is subject to the penalties described in Paragraph E. below.

APPLYING FOR A SOCIAL SECURITY NUMBER

An individual who has never been issued a SSN card or who has lost their SSN card may complete Form SS-5 – *Application for a Social Security Card* to request an original or replacement SSN card, or change information on his/her SSA record. The form is attached to this Notice and also available online at www.ssa.gov, or can be obtained at the local SSA office. O/As should provide assistance in applying for a SSN to any applicant or tenant who requests it.

VERIFICATION

1. The O/A shall verify and document each disclosed SSN by:
 - (a) Obtaining the documentation listed in 2 below from each member of the applicant's or tenant's household.
 - (b) Making a copy of the original documentation submitted, returning the original to the individual and retaining the copy in the file folder;
 - (c) Recording the SSN on line 45 of the form HUD-50059 and transmitting the data to TRACS in a timely manner. O/As are encouraged to transmit the form HUD-50059 data within 30 calendar days, to enable HUD to initiate its computer matching efforts; and
 - (d) To ensure that the SSN transmitted to TRACS is valid, O/As must use the Failed EIV Pre-Screening Report and the Failed Verification Report in EIV in accordance with the instructions in the current HUD Housing Notice, *Enterprise Income Verification System*.
 - (1) The Failed EIV Pre-Screening Report identifies tenants who failed the EIV pre-screening test due to invalid or missing personal identifiers.
 - (2) The Failed Verification Report identifies tenants that have had their personal identifiers sent to SSA, via HUD's computer matching program with the SSA, but the data could not be verified by SSA due to missing or invalid information or other SSA issues.
2. Acceptable Verification Documents – Most individuals should be able to verify all SSNs with a Social Security card. However, if the applicant or tenant cannot produce the Social Security card for any or all non-exempt household members, other documents showing the household member's SSN may be used for verification. He or she may be required to provide one or more of the following alternative documents to verify his or her SSN.

- (a) Original document issued by a federal or state government agency which contains the name, SSN, and other identifying information of the individual.
- (b) Drivers license with Social Security Number
- (c) Earnings statements on payroll stubs
- (d) Bank statement
- (e) Form 1099
- (f) SSA benefit award letter
- (g) Retirement benefit letter
- (h) Life insurance policy
- (i) Court records

Further information regarding acceptable verification documents can be found in HUD Handbook 4350.3, REV-1 *Occupancy Requirements of Subsidized Multifamily Housing Programs*.

3. Rejection of Documentation

The O/A must reject a document that:

- (a) Is not an original document; or
- (b) Is the original document but it has been altered, mutilated, or is not legible; or
- (c) Appears to be a forged document (e.g., does not appear to be authentic).

The O/A must explain to the applicant or tenant the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation of the SSN and submit it to the O/A within a reasonable time frame.

4. Actions Once SSN is Verified

(a) Once the individual's SSN has been verified, the O/A should remove and destroy the copy of the documentation referenced in Paragraph D.1.b above by no later than the next recertification of family income or composition.

- (1) Paper documentation should be destroyed by shredding, pulverizing or burning.
- (2) Electronic documentation should be destroyed by erasing or permanently deleting the file.
- (3) Additional guidance related to destruction of records is available in HUD Handbook 2400.25, REV-2: *HUD Information Technology Security Policy*, dated October 1, 2008. The handbook is available online at:
<http://www.hud.gov/offices/adm/hudclips/handbooks/admh/2400.25/index.cfm>.

(b) The retention in the tenant file of the Household Summary Report from the EIV system which will report the status of the identity verification process provides verification of the SSN. Retaining this report in the tenant file and destroying the copy of the SSN documentation will minimize the

risk of exposing the individual's SSN. O/As are encouraged to minimize the number of tenant records that contain documents which display the full nine-digit SSN.

PENALTIES FOR A TENANT'S NON-DISCLOSURE OF SSN

1. Termination of Tenancy – O/As must terminate the tenancy of a tenant and the tenant's household if the tenant does not meet the SSN disclosure, documentation and verification requirements in the specified timeframe as the household is in non-compliance with its lease.
 - (a) This termination of tenancy includes those households who have not disclosed and verified the SSN for any child under the age of 6 who did not have a SSN when added to the household with the understanding that this SSN would be provided within 90 days after admission, or within the 90-day extension period, if applicable.
 - (b) There is no proration of assistance for those household members who are required to obtain a SSN but who fail to disclose and verify their SSN.
 - (c) Termination of tenancy does not apply to those households with individuals who do not contend eligible immigration status or who are age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 (based on the effective date of the form HUD-50059 or form HUD-50058, whichever is applicable), unless there are other members of the household who have not disclosed or provided verification of their SSNs.
2. Deferring Termination of Tenancy – The O/A may defer termination of tenancy and provide the tenant with an additional 90 days past their next regularly scheduled recertification of income and family composition to become compliant with the SSN disclosure and verification requirements.
 - (a) The deferral is at the O/A's discretion and must only be provided if failure to meet the SSN requirements was due to circumstances outside the control of the tenant and there is likelihood that the tenant will be able to disclose and provide verification of the needed SSN(s) by the deadline date.
 - (b) After this 90-day deferral, if the tenant has not disclosed and provided verification of the needed SSN(s), the O/A must pursue termination of tenancy.

STUDENT ELIGIBILITY

Section 8 assistance shall **not** be provided to any individual who:

- Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of *November 30,

2005.*

- Is not living with his or her parents who are receiving Section 8 assistance; and
- Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

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

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

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

A. Verification of Eligibility of Students for Section 8 Assistance.

1. Verifying parents' income.

- a. Owners must verify parents' income each time they determine the eligibility of the student to receive Section 8 assistance unless the student can demonstrate his or her independence from parents. (see paragraph 313 for determining a student's eligibility.)
- b. Owners may accept a signed declaration and certification of income from the parents, which includes a penalty of perjury clause.

2. If the owner determines that the parents' declaration and certification of income or their eligibility is questionable, the owner may request and review supporting documentation including, but not limited to:

- a. IRS tax return;
- b. Consecutive and original pay stubs;

- c. Bank Statements;
 - d. Pension benefit statements;
 - e. Temporary Assistance to Needy families (TANF);
 - f. Social Security Administration award letters; or
 - g. Other official and authentic documents from a Federal, State or local agency.
3. If the student's parents refuse to provide a declaration and certification for their income, the student is not eligible for Section 8 assistance unless the student can demonstrate his or her independence from parents.
4. Owners may adopt and Implement the following criteria for determining whether to obtain the declaration and certification of income from each parent:
- a. If the student's parents are married and living with each other, obtain the declaration and certification of income from each parent.
 - b. if the student's parent is widowed or single, obtain the declaration and certification of income from that parent.
 - c. If the student's parents are divorced or separated, obtain the declaration and certification of income from each parent.
 - d. If the student has been living with one of his or her parents and has not had contact with, or does not know where to contact his or her other parent, obtain from the student a certification addressing the circumstances and that they have not received and financial assistance, directly or indirectly, from the absent parent. The certification must include a penalty of perjury clause. The owner must also obtain from the parent with whom the student has been living, or has contact with, a declaration and certification of income.
- B. The owner should use the applicable low-income limit for the parents' family size for the locality where the parents reside when determining the parents' income eligibility for Section 8 assistance. (See paragraph 3-6 E.4 for guidance on determining family size for income limits and paragraph 3-6 for applying the income limit to determine eligibility for assistance.)
- C. If the student's parents live outside the United States in areas where income limits have not been established for the Section 8 program, the owner should use the applicable low-income limit for the parents' family size for the same locality used in determining the student's eligibility.
1. Verification of student's independence from parents. When a student claims his or her independence from parents, owners must verify the student's independence from his or her parents by taking into consideration all the following. Owners must:
- a. Review and verify previous address information to determine evidence of a separate household, or verify that the student meets the U.S. Department of

- Education's definition of independent student.
- b. Review prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent (except if the student meets the Department of Education's definition of independent student).
 - c. Verify income provided by the parent by requiring a written certification from the individual providing the support. Certification is also required if the parents are not providing support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.
 - d. Verify additional criteria established, if applicable, to use when determining the student's independence from parents. Verification would be obtained in accordance with the owner's policies.
 - e. Verify the amount of financial assistance the student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education.

2. Owners should also verify the following, if applicable:

- a. Age (See paragraph 3-28 C and Appendix 3);
- b. Dependent child;
- b. Marital status;
- c. Institution of Higher Education. The owner will need to verify that the school where the student is enrolled meets the Department of Education's definition for an institution of higher education. (See the Glossary for the definition of institution of Higher Education);
- d. Tuition (See the Glossary for the recommended definition for Veteran);
- e. Disabled student receiving Section 8 assistance on November 30, 2005;
- f. Veteran of the United States Military
- i. Parent with dependent child;
- j. Independent student

D. Verification of Eligibility of Students for Other Assistance Programs. Owners should follow the guidance in 3-33 A.2 above for verifying the student's eligibility.

LIVE-IN AIDE

A live-in aide is a person who lives with an elderly or disabled individual and is determined to be (A) essential to the care and well-being of the person, (B) not obligated for the support of the disabled person and (C) would not be living in the unit except to provide the necessary support services. While a relative may be considered a live-in aide/attendant, they must meet the above requirements, especially (C) above. The live-in aide qualifies for occupancy only as long as the individual needing support requires the aide's services and remains a tenant and shall not qualify for continued occupancy as a remaining family member. (See HUD Handbook 4350.3 (08/04) Chapter 3.)

TRANSFER POLICY

A request made by a current resident to Management to transfer to another unit may be considered based on but not limited to the following conditions:

- 1) There is a need for a unit transfer because of a change in household size and/or composition
- 2) There is a verified medical need for a different unit
- 3) There is a verified need for an accessible unit
- 4) The resident lives in an accessible unit and no longer needs the accessibility features
- 5) If two or more adult household members reside in one unit and one or more adults choose to apply for a separate unit, the new household will be required to submit a complete application and must be eligible for assistance under the rules provided in HUD Handbook 4350.3 and the owner/agent resident screening policies provided in the most current resident selection plan.

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 transfer. The unit transfer request may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

Factors concerning approval of transfers are as follows:

- 1) A household that has given a 30-day notice-to-move need not be transferred
- 2) The household must be able to establish mandatory utilities in the new unit (gas, electric, water, etc.)
- 3) A household whose unit meets the owner/agents occupancy standards and who does not require the unit transfer as a reasonable accommodation/medical need must have been a resident in good standing for at least one year. A resident in good standing must meet the following criteria:
 - a) No current outstanding balances owed for 60 days or more
 - b) No confirmed complaints against the resident for disturbing the peace and quiet comfort of other neighbors and/or their guests
 - c) Last unit inspection resulted in no findings of damage or undue wear and tear and no findings of unsafe or unsanitary conditions
 - d) No major lease violations within the last year
 - e) No more than three minor lease violations within the last year

If a household requests a unit transfer to address a household member's disability, the owner/agent will pay for the move unless doing so would change the nature of the program or would cause undue financial and administrative burden

SECURITY DEPOSITS & UNIT TRANSFERS

When a Resident transfers to a new unit, the owner/agent will charge a new deposit and refund the deposit for the old unit less any outstanding amounts for rent, fees, or damages.

UNIT TRANSFER REQUEST

Unit Transfer Requests will be reviewed as quickly as possible. The resident will receive a response within 30 calendar days from the date the complete, signed request is submitted. The response may be:

- 1) Approval of the Request
- 2) Request for additional information
- 3) Denial of the Request

If your request is approved, but no appropriate units are available, your name will be added to the property waiting list and you will be provided preference based on your status as an existing resident. When an appropriate unit is available, you will have a maximum of 30 days to complete the transfer. If you are unable to transfer within 30 days, the unit will be offered to the next person on the waiting list in compliance with the waiting list management policy.

You have the right to refuse two offered units. The first time a unit offer is refused, the next household on the waiting list will be offered the unit (in accordance with our resident selection plan), and your name will remain at the top of the list. The second time a unit offer is refused, your name will be removed from the waiting list, and a new unit transfer request will not be considered for at least six months. (The owner/agent will consider reasonable accommodation in this case, if there is the presence of a disability).

If your request for a unit transfer is denied, you may appeal the decision within 14 calendar days from the date of the denial letter. Someone who was not involved in the original decision to deny will review your appeal.

VIOLENCE AGAINST WOMEN ACT ADDENDUM

The Violence Against Women Act (VAWA) protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program. The law protects victims of domestic violence, dating violence or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim's tenancy. The owner may bifurcate a lease in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit.

At move-in, the tenant is required to sign the HUD-approved Lease Addendum (Form HUD-91067) for use with the applicable HUD model lease for the covered project-based Section 8 program. This addendum revises the lease to reflect the statutory requirements of the VAWA that are related to the project-based Section 8 assistance programs.

This Selection Plan incorporates the Certification of Domestic Violence, Dating Violence or Stalking form (HUD-91066) as required by the provisions of Section 606 of the VAWA. The VAWA provides that owners may request a tenant to certify that he/she is a victim of domestic violence, dating violence or stalking and that the incidence(s) of threatened or actual abuse are bona fide in determining whether the protections afforded under the VAWA are applicable.

DEFINITIONS

The following definitions are provided to assist in understanding and implementing VAWA protections. The definitions for domestic violence, dating violence, stalking and immediate family member have been incorporated into the United States Housing Act.

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 cohabited with, the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Stalking means (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) 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 (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Immediate Family Member means (A) a spouse, parent, brother, sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

Bifurcate means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence or stalking:

- A. An applicant's or program participant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
- B. An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
- C. Criminal activity directly related to domestic violence, dating violence or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not

be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.

- D. Assistance may be terminated or a lease bifurcated in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.
- E. Provisions protecting victims of domestic violence, dating violence or stalking engaged in by a member of the household, may not be construed to limit the owner, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
- F. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an owner can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, the owner may not subject victims to more demanding standards than other tenants.
- G. VAWA protections shall not supersede any provision of a Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

CERTIFICATION AND CONFIDENTIALITY

Owners/Agents (O/As) responding to an incident of actual or threatened domestic violence, dating violence or stalking that could potentially have an impact on a tenant's participation in the housing program may request in writing that an individual complete, sign, and submit within 14 business days of the request, the HUD-approved certification form (HUD-91066). The O/A may extend this time period at his/her discretion.

Alternatively, in lieu of the certification form or in addition to it, O/As may accept (A) a Federal, State, tribal, territorial, or local police record or court record or (B) 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 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 that domestic violence, dating violence or stalking has occurred.

O/As are not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence or stalking in order to receive the protections of the VAWA. O/As, at their discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence. O/As are encouraged to carefully

evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

O/As should be mindful that the delivery of the certification form to the tenant via mail may place the victim at risk (e.g., the abuser may monitor the mail). Therefore, in order to mitigate risks, O/As are encouraged to work with the tenant in making acceptable delivery arrangements, such as Inviting them into the office to pick up the certification form or making other discreet arrangements.

The victim's identity and all information provided to O/As relating to the incident(s) of domestic violence must be retained in confidence by the O/A and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is (A) requested or consented to by the individual in writing; (B) required for use in an eviction proceeding or termination of assistance; or (C) otherwise required by applicable law. The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.

O/As must retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

LEASE BIFURICATION

Should it be determined that physical abuse caused by a tenant is clear and present, the law provides O/As the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy). O/As must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by Federal, State, and local law.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence or stalking against another household member, an interim recertification should be processed reflecting the change in household composition.

TENANT RIGHTS AND RESPONSIBILITIES

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

If requested, tenants are required to submit to the O/A a completed Certification of Domestic Violence, Dating Violence or Stalking Form (HUD-91066), or other supporting documentation as described above, within 14 business days of the O/A's request, or any extension of that date provided by the O/A. If the certification or other supporting documentation is not provided within the specified timeframe, the landlord may begin eviction proceedings.

If the tenant has sought assistance in addressing domestic violence, dating violence or stalking from a Federal, State, tribal, territorial jurisdiction, local police or court, the tenant may submit written proof of this outreach.

It is possible for someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits separate criminal activity, a landlord may evict them for engaging in a crime. Furthermore, if a victim poses an actual and imminent threat to other tenants or those employed at

or providing service to the property, they could be evicted, despite the VAWA.

TENANT SCREENING

Applicants may not be approved for admission when a member of the household expected to reside in the project falls within any of the following categories:

Sexual Offenses and Lifetime Sex Offender Registration

Applicants are required to disclose all states in which any household member has resided. Failure to accurately respond to any question during the application process is cause to reject admission. Record of any conviction or adjudication other than acquittal, for any sexual offense subject to registration under a state sex offender registration program is grounds for rejection.

Criminal History

Conviction or adjudication other than acquittal of a crime within the past ten years will serve as grounds for rejection. Such crimes shall include, but not be limited to: non-sufficient funds checks; shoplifting; public intoxication; illegal use; possession or distribution of controlled substances; illegal use of a weapon; prostitution; driving under the influence, or any other infraction defined under state or local penal codes as a misdemeanor or felony.

Conviction of Violent Crimes

Any conviction or adjudication other than acquittal of a violent crime that caused physical danger or harm to another person will be grounds for rejection. Such crimes shall include but are not limited to sexual offenses, murder, assault, battery or domestic violence.

Drug Related Criminal Activity

Conviction or adjudication other than acquittal for the manufacture, sales, distribution, or possession with the intent to manufacture, sell, or distribute a controlled substance within the past ten years will serve as grounds for rejection. Drug related criminal activity does NOT include the use or possession of a controlled substance if the applicant can demonstrate that he/she has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment AND has recovered from such addiction as evidenced by completion of an accredited rehabilitation program, has not used or possessed a controlled substance for a period of at least one year, and does not currently use or possess a controlled substance.

Illegal Firearms and Weapons

Conviction or adjudication other than acquittal for possession of an illegal weapon within the past ten years.

Pattern of Criminal Behavior or Gang Activity

Applicant's history reveals a pattern of criminal behavior or has been involved in gang activity and such behavior presents a real or potential threat to residents or property.

Traffic Violation

A traffic violation that involves the use of any controlled substance within the past ten years.

Arrest

If an applicant or member of an applicant's family has been arrested for a crime but has not yet been tried, the application will be suspended in its current position on the waiting list pending the outcome of the legal proceedings. The application will be reconsidered, with the above guidelines applied, after such legal proceedings have been concluded.

Released from Jail

After a jail term is served and the applicant is released, the applicant will be required to wait a period of one year prior to submitting an application.

Current Substance Abuse

Evidence of continuing and current possession or use of narcotics or other controlled substances. Written affidavits from any two law enforcement or judicial officials, human service personnel or family sources that an applicant is currently abusing drugs shall be considered satisfactory evidence. However, if an abuser has undergone treatment by a recognized professional, the applicant is not considered ineligible provided that the professional certifies in writing that the abuser is rehabilitated.

Grossly Unsanitary or hazardous Housekeeping

- An applicant who has prior rental history of creating one or more health or safety hazards through acts, neglect, or causing or permitting damage to or misuse of premises or equipment.
- A prior rental history of causing or permitting pest infestation, foul odors, or other problems injurious to the health, welfare, or quiet enjoyment of the premises by other persons.
- Improperly disposing of garbage or trash.
- Failure to use utilities, facilities, services, appliance, and equipment within a dwelling unit, in a reasonable and proper manner, or failing to maintain them in a good, clean and serviceable condition.
- Any conduct or neglect which could result in a health or safety hazard or in damage to the premises.

When a qualified human service professional or agency works with the applicant to improve housekeeping and reports to project management that the applicant's housekeeping shows demonstrated improvement, management's admission decisions will consider the written recommendations from such professional or agency.

This category does not include households whose housekeeping is untidy or lacks orderliness provided that these conditions do not create a health or safety problem, do not result in damage to or deterioration of the premises, and do not adversely affect the peaceful occupancy of neighbors.

Violent Behavior

Evidence of behaviors in previous rental housing that could be described as threatening to another or creating a risk of harm to the physical, mental, or emotional health, safety, or welfare of an applicant, other tenants, employees, or people who provide services. A prior rental history of demonstrated acts of violence or other destructive conduct towards any person or property or which disrupts the peaceful occupancy of neighbors.

Landlord Reference/Compliance with Prior Rental Agreements

Evidence of any failure to comply with the terms of prior rental housing agreements such as allowing persons to live in a unit that were not authorized by a lease agreement, keeping pets in disregard of lease prohibitions, or other willful acts that violate existing rules and regulations.

Misrepresentation and Omission

Any willful misrepresentation or omission in the application procedure for an apartment or any other dwelling unit.

Federal and State Laws

Any failure to meet any of the eligibility requirements imposed on the project by HUD or by other applicable Federal, State and local laws and regulations.

REJECTION OF APPLICANTS

If an application to the project is rejected, the applicant shall be notified in writing:

- What the reason is for the rejection (non-compliance with the project requirements, etc.).

- That the applicant has 14 calendar days to respond in writing or to request a meeting to discuss the rejection.
- That persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

EIV EXISTING TENANT SEARCH

The form HUD-9887, Notice and Consent for the Release of Information, will be given to the applicant and each applicant family member 18 years of age and older. After applicant executes this form the owner will run in the HUD EIV (Enterprise Income Verification) and Existing Tenant Search. This report identifies applicants applying for assisted housing that may be receiving rental assistance at the time of application processing at another location.

O/As must:

- (1) Use this report at the time they are processing an applicant for admission to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.
- (2) Discuss with the applicant if the report identifies that the applicant or a member of the applicant's household is residing at another location, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location. This may be a case where the applicant wants to move from his/her present location or where two assisted families share custody of a minor child.
- (3) Follow up with the respective PHA or O/A to confirm the individual's program participation status before admission, if necessary, depending on the outcome of the discussion with the applicant. The report gives the O/A the ability to coordinate move-out and move-in dates with the PHA or O/A of the property at the other location.
- (4) Retain the search results with the application along with any documentation obtained as a result of contacts with the applicant and the PHA and/or O/A at the other location.

ANNIE B. ROSE HOUSE SMOKE-FREE POLICY

1. Purpose of No-Smoking Policy.

The purpose of these rules and regulations is to promote the safety and welfare of all tenants, applicants and visitors on the premises and foster the general health and wellbeing of all persons in the premises.

Further, these rules and regulations are intended to mitigate (i) the irritation and known health risks from secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; and (iii) the increased risk of fire from smoking.

2. Definition of Smoking.

The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco product or similar lighted product in any manner or in any form.

3. Smoke-Free Complex.

Tenant acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenant, members of Tenant's household and guests/invitees shall not smoke anywhere in the unit rented by Tenant, or the building where the Tenant's dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, nor shall Tenant permit any guests or visitors under the control of Tenant to do so.

4. Tenant to Promote No-Smoking Policy and to alert Landlord of Violations.

Tenant shall inform Tenant's guests of the no-smoking policy. Further, Tenant shall promptly give Landlord a written statement of any incident where tobacco smoke is migrating into the Tenant's unit from sources outside of the Tenant's apartment unit.

5. Landlord to Promote No-Smoking Policy.

Landlord shall post no-smoking and/or smoke free signs at entrances and exits, common areas, hallways, and in conspicuous places adjoining the grounds of the apartment complex.

6. Landlord not a guarantor of smoke-free environment.

Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, do not make the Landlord or any of its managing agents or employees the guarantor of Tenant's health or of the smoke-free condition of the Tenant's unit and the common areas. However, Landlord shall take reasonable steps to enforce the smoke-free terms of these rules and regulations and to make the complex smoke-free. Landlord shall not be required to take steps in response to smoking unless Landlord is put on notice of the presence of cigarette smoke, via agent, personal knowledge, and/or written notice by a Tenant.

7. Effect of Breach and Right to Terminate Lease.

A breach of these rules and regulations shall give each party all the rights contained herein, as well as the rights in the Lease. A material breach of these rules and regulations by the Tenant, the Tenant's family members or guests/invitees shall be a material breach of the lease and grounds for immediate termination of the Lease by the Landlord. Landlord acknowledges that in declaring this building(s) (or portion of the building) to be smoke-free, the failure to respond by Landlord to a complaint filed by the tenant shall be treated as equivalent to a request for maintenance by such tenant.

8. Disclaimer by Landlord.

Tenant acknowledges that Landlord's adoption of a smokefree living environment, and the efforts

to designate the rental complex as smokefree, does not in any way change the standard of care that the Landlord or managing agent would have to a Tenant household to render buildings and premises designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of these rules and regulations is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that the Landlord does not assume any higher duty of care to enforce this rule than any other landlord obligation under the Lease.

ASSISTANCE AND RESIDENCY TERMINATIONS

Assistance may be terminated when a resident is no longer eligible for subsidy through the HUD program as per HUD Occupancy Handbook 5340.3 (08\04).

Residency may be terminated when a resident is no longer eligible for assistance or when a resident violates the terms and conditions of the lease, statutes, rules or regulations applicable to resident's tenancy.

APPEALS PROCEDURE

When an applicant appeals an initial decision to reject his/her application, management will respond to the appeal, whether presented in writing or in a meeting, within 5 days of the appeal. Persons with disabilities may request a reasonable accommodation.

FILE RETENTION

- A. The owner must retain current applications as long as their status on the waiting list is active.
- B. Once the applicant is taken off the waiting list, the owner must retain the application, initial rejections notice, applicant reply, copy of the owner's final response, and all documentation supporting the reason for removal from the list for three years.
- C. When an applicant moves in and begins to receive assistance, the application must be maintained in the tenant file for the duration of the tenancy and for three years after the tenant leaves the property.
- D. All files must be kept secure so that personal information remains confidential.

- E. The applicant's or tenant's file should be available for review by the applicant or tenant upon request or by a third party who provides signed authorization for access from the applicant or tenant.
- F. The owner must dispose of applicant and tenant files and records in a manner that will prevent any unauthorized access to personal information (e.g., burn, pulverize, shred, etc.).
- G. Owners must keep records and submit reports and information as required by HUD to enable HUD and the owner to ascertain whether the owner has complied, or is complying with, nondiscrimination requirements.

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Attachment 1A:

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Citizen/Immigration Requirements:

- A. Applicants are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each household member seeking assistance. The following documents are required:
 - 1) Family Summary Sheet (lists all household members who will reside in the assisted unit)
 - 2) Citizenship Declaration (Each household member listed must complete.)
 - 3) Forms and/or evidence of citizenship/immigration status.
- B. Applicants must submit required documentation of citizenship/immigration status no later than the date verification of other eligibility factors are initiated. Citizen or non-citizen eligibility verification will be done first. The applicant's citizenship or immigration status must be determined during the initial eligibility determination, prior to adding that household to the waiting list or prior to move-in.
- C. If the applicant cannot supply the documentation within the specified timeframe, the applicant may request 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.
- D. Applicants that are U.S. Citizens must sign a declaration of citizenship and provide documents as proof of citizenship. Verification of the declaration will be completed. Please refer to Attachment C of the Resident Selection Plan for a listing of documents that will be accepted as proof of citizenship.
- E. Applicants that are non-citizens claiming eligible status must sign a declaration of eligible immigration status, consent form and provide a DHS-approved document.
- F. Non-citizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance.
- G. The validity of documentation provided by the applicant shall be verified with the Department of Homeland Security (DHS) through the use of the Alien Status Verification Index (ASVI) and/or through the use of a Document Verification Request, Form G-845S.
- H. Households shall be notified in writing that they are (1) eligible for assistance, (2) eligible for partial assistance, as a mixed household or (3) ineligible based upon citizenship/immigration status.
- I. Rental assistance shall not be delayed for an otherwise eligible applicant if he/she has submitted the immigration information in a timely manner by the DHS verification or the appeals process has not been completed.
 - 1) If a unit is available, the applicant has come to the top of the waiting list, and at least one (1) member of the family has submitted the required documentation in a timely manner, the family shall be offered a unit and provided with prorated assistance to those family members whose documents were received on time prorated assistance shall continue to be provided to such

families until information establishing the immigration status of any remaining non-citizen family members has been received and verified.

- J. If the citizenship/immigration status of a family assisted prior to completion of the verification or appeal process has been determined, the following shall occur:
- 1) Full assistance to a family that has established the eligibility of all of its members shall be provided
 - 2) Continued prorated assistance to a mixed family shall be offered, or temporary deferral of termination of assistance if the family does not accept the offer of prorated assistance; or
 - 3) Temporary deferral of termination of assistance to an eligible family shall be offered. At the end of the deferral period, the family must either pay market rent or vacate the unit.
 - 4) Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance. The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family shall continue to receive its current level of assistance.

K. The initial deferral period shall be for six (6) months and may be extended for an additional six (6) month period, not to exceed eighteen (18) months.

1) At the beginning of each deferral period, the family shall be informed of its ineligibility for financial assistance and be offered information concerning, and referrals to assist in finding, other affordable housing.

2) Before the end of each deferral period, the Owner shall determine whether affordable housing is available to the family and whether to extend the deferral of termination of assistance.

(a) To extend a deferral period, the Owner shall determine that no affordable housing is available. The family shall be informed of the Owner's determination at least sixty (60) days before the current deferral period expires. The Owner's determination should be based on the following:

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

(b) To terminate assistance, the Owner shall determine that affordable housing is available, or that the maximum deferral period has been reached. Affordable housing in this case is housing that:

- Is not substandard;
- Is the appropriate size for the family;
- Can be rented by the family for an amount less than or equal to 125% of the family's current rent, including utilities.

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