

# **NELLIE BECHTEL GARDENS APARTMENTS**

**A SUBSIDIARY OF GRAND JUNCTION  
HOUSING AUTHORITY (GJHA)**

## **TENANT SELECTION PLAN**

**3032 N. 15<sup>th</sup> Street, Grand Junction, CO 81506**  
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## **Section 504 equal Access Statement**

### **For mobility impaired persons**

This document is kept at **3032 N. 15th Street, Grand Junction, CO 81506 and 8 Foresight Circle, Grand Junction, CO 81505** which are accessible facility on an accessible route. This document may be examined from Monday through Friday between the hours of 9:00 am and 4:00 pm. You must telephone in to make arrangements to examine this document. Please call **970-245-1712 or 970-245-0388** or call our TDD # TTY 711 or 1-800-842-9710.

### **For hearing impaired persons**

Nellie Bechtel Gardens Apartments aka Nellie Bechtel Apartments 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 the Property Manager and the individual with handicaps. Please call the TDD # TTY 711 or 1-800-842-9710 to schedule an appointment.

### **For vision impaired persons**

Nellie Bechtel Apartments 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 with vision impairments.

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. The applicant should inform the Property Manager if additional assistance is needed to complete forms or understanding program requirements, procedures, house rules, etc. Advocacy groups, social workers, family members, personal friends, or other trusted advisors 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.

## **Fair Housing and Equal Opportunity Requirements**

### **STATEMENTS OF NON-DISCRIMINATION**

It is the policy of Nellie Bechtel Apartments 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, and any state legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

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

In compliance with the Fair Housing Act, Nellie Bechtel Apartments prohibits discrimination because of race, color, creed, religion, national origin, sex, age, disability, and marital status, status with regard to public assistance, sexual orientation, or familial status. In addition, owners must comply with local fair housing and civil rights laws.

Nellie Bechtel Apartments 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 from 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.

Nellie Bechtel Apartments shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Nellie Bechtel Apartments will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, Nellie Bechtel Apartments 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, Nellie Bechtel Apartments 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 disabilities.

In reaching a reasonable accommodation with, or performing structural modifications for, otherwise qualified individuals with disabilities, Nellie Bechtel Apartments 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;  
or
- Take any action that would result in an undue financial and administrative burden on Nellie Bechtel Apartments.

#### **Protections Provided Based on Sexual Orientation, Gender Identity or Marital Status**

Nellie Bechtel Apartments complies with the Final Rule - Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity was published in 2012. The owner / agent will comply with the requirements established in the Final Rule which ensures that HUD's core housing programs are open to

all eligible persons regardless of sexual orientation, gender identity or marital status.

["Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity"](#) is a final rule published by the U.S. Department of Housing and Urban Development (HUD) on Feb. 3, 2012 that prohibits housing discrimination against lesbian, gay, bi-sexual or transgendered (LGBT) individuals in all HUD subsidized, insured and financing programs. This rule took effect on March 5, 2012.

From an assisted housing perspective, the final rule requires owners and operators of HUD-assisted or HUD-insured housing to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling; clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or gender identity, will have the opportunity to participate in HUD programs.

The rule also prohibits owners and operators of HUD-assisted housing or housing insured by HUD from asking about an applicant's or occupant's sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available.

### **Reasonable Accommodations**

It is in the intention of Nellie Bechtel Apartments to make "reasonable accommodations" both in the application process and residency in accordance with HUD Handbook 4350.3 and especially with regards to Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes. This also includes taking reasonable steps to ensure meaningful access to information and services we provide for person with LEP (Limited English Proficiency).

### **Applicants who Require Reasonable Accommodations, Including Live-In Aides:**

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. For reasonable accommodations to apply there are several requirements. First, the applicant must have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by HUD as applicable to the property's program type. Next, the disability must have a direct correlation to the accommodation being requested by the applicant. The applicant must request a reasonable accommodation and provide verification of his / her disability and his / her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the property. In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations, the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program.

If an applicant makes a request, management will provide a reasonable accommodation if the applicant has a verifiable disability that is directly related to the request and providing the reasonable accommodation will not result in a financial or administrative burden to management or to the owner.

Reasonable accommodations may include changes in the method of administering policies, procedures, or

services. In providing reasonable accommodations for, or performing structural modifications for otherwise

qualified individuals with disabilities, the property is not required to:

1. Make structural alterations that require the removal or altering of a load-bearing structure;
2. Provide support services that are not already part of its housing programs;
3. Take any action that would result in a fundamental alteration in the nature of the program or service; or
4. Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

### **Remaining Family Members**

Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination must be made as to whether the remaining member of the household will be eligible to receive assistance and / or be allowed to remain in the unit. Eligibility for remaining family members at Nellie Bechtel Apartments will be determined by current and applicable rules as defined in the HUD Occupancy Handbook 4350.3.

### **Assistance Animals and Pets**

A common household pet means a domesticated small animal, such as a cat, dog, birds, fish (not saltwater) or turtle (no other reptiles allowed including snakes). No more than one cat or dog, two birds or small caged animals or a fish tank exceeding 15 gallons per household is permitted. All pets shall be spayed or neutered at time of occupancy. If the pet is too young to be spayed or neutered at time of occupancy, then it shall be spayed or neutered at the earliest time deemed safe by a veterinarian. Dogs over 20 pounds and no more than 15 inches at shoulder and birds over 12 inches high are not permitted; except in the case of Service / Assistance animals in which case the weight limit is waived. Assistance Animals are permitted as a reasonable accommodation for persons with verified disabilities, once the need has been properly verified by a physician, psychiatrist, social worker, or another licensed medical professional. There must be a direct relationship between the person's disability and his or her need for the animal. Neither a security deposit nor a pet fee is required for an assistance animal. Relative to pets, all state and local health, safety and licensing laws apply.

*Refer to the House Rules and Regulations and Pet Agreement for tenant pet care responsibilities.*

Management reserves the right to deny a specific assistance animal only if:

- There is documented proof, based on prior behavior of the animal, that it poses a direct threat to the health and safety of others that cannot be reduced or eliminated by reasonable accommodation; or
- There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of other; or
- It can be specifically documented that the presence of the assistance animal would pose an undue financial and administrative burden to the provider; or
- Documented evidence shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.

## **Service Animals**

The Department of Justice's revised Americans with Disabilities Act regulations define a "service animal" narrowly as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. The revised regulations specify that "the provision of emotional support, well-being, comfort, or companionship do not constitute work or task for the purposes of the definition." To determine if an animal is a service animal, management may ask:

- Is this a service animal that is required because of a disability?
- What work or task has the animal been trained to perform?

Except when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability. The animal may be denied access if:

- The animal is out of control and its handler does not take effective action to control it;
- The animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination);
- The animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures.

A service animal is permitted to accompany the individual with a disability to all areas of the facility where members of the public are normally allowed to go.

## **Limited English Proficiency (LEP) Services**

The Agent shall determine, as part of its obligation to take reasonable steps to ensure meaningful access to the Development and its programs by persons with Limited English Proficiency (LEP), those Oral Language Services (i.e., Interpretation) and Written Language Services (i.e., Translation) that may be required in connection with the implementation of this Plan.

## **Privacy Policy**

It is the policy of Nellie Bechtel Apartments 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 Nellie Bechtel Apartments 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.

## **General Eligibility Criteria**

To apply for Section 8 housing assistance, applicants must be qualified under the income limits established by the U. S. Department of Housing and Urban Development (HUD), for the type of development, and for the size and type of unit available. Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the tenant selection criteria. The tenant selection criteria are used to demonstrate the applicant's suitability as a tenant using verified information on past behavior to document the applicant's ability, either alone or with assistance, to comply with the rules governing tenancy. The applicant will be judged on current and past behavior and practices related to tenancy and not on any attribute or behavior that may be imputed to a particular group or category of persons of which an applicant may be a member. Applicants must also qualify in accordance with one or more of the following eligibility criteria:

### **Family**

A family consists of:

- One or more persons whose income and resources are available to meet the family's needs.
- A remaining member(s)- A remaining family member(s) is any person(s), except a live-in aide or foster child, who remains in the unit and was considered a member of the household on the most recent lease or recertification form. To qualify as a remaining family member, the person(s) must:
  1. Be a member of the original tenant household or have become a member of the tenant household subsequent to move-in with written approval of Nellie Bechtel Apartments and remained in continuous occupancy up to and including the time the original tenant of record vacates or dies;
  2. Be listed on the current lease or HUD Form 50059 or approved facsimile; and
  3. Have his/her income (if any) included in the household's annual income for determining rent; and
  4. Meet the definition of Elderly Family.

### **Elderly Family**

Elderly family means a family whose head or spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides. Elderly families with children are permitted, as long as the head, co-head or spouse are at least 62 years old, are handicapped or disabled.

### **Handicapped**

A handicapped household includes:

- A person who is handicapped by having a physical, developmental or mental impairment which:
  1. Is expected to be of a long, continued and indefinite duration;
  2. Substantially impedes his or her ability to live independently; and
  3. Is of such a nature that such ability could be improved by more suitable housing conditions.

AND,

- A person with a developmental disability as defined below.

## Disabled

A disabled household includes a person who is under a disability as defined in Section 223 of the Social Security Act, or in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(7)]. Section 223 of the Social Security Act (42 U.S.C.423) defines disability as:

- 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
- In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness as defined in Section 416(l)(l) of the Social Security Act), and is unable by reason of such blindness to engage in substantial gainful activity in which s/he has previously engaged with some regularity and over a substantial period of time.

Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(7)], defines disability as severe, chronic disability of a person which:

- Is attributable to a mental or physical impairment or combination of mental and physical impairment;
- Is manifested before the person attains age twenty-two;
- Is likely to continue indefinitely; and / or
- Results in substantial functional limitations in three or more of the following areas of major life activity

Self-care	Mobility	Capacity for independent living
Receptive and expressive language	Self-direction	Economic self-efficiency
Learning		

AND,

- 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.

### **Citizenship Requirement:**

By law, only US citizens or nationals and Non-citizens that have eligible immigration status may benefit from rental assistance through subsidized housing. All applicants are required to declare US Citizenship or submit evidence of eligible immigration status for each family member applying to reside in the unit.

- GJHA determines the applicant's citizenship or immigration status during the initial eligibility determination, prior to move-in.
- If during the application process it is determined the applicant is ineligible due to non-citizenship or ineligible immigration status, the applicant will have the opportunity to appeal the decision.

- If the final determination concludes that only certain members of the household are eligible for assistance, the household may be eligible for proration of assistance. That means that when assistance is available, a reduced amount may be provided for the household based on the number of members who are eligible.
- As part of the annual or interim recertification process, owners must determine the citizenship/immigration status of tenants from whom the owner has not previously collected the proper documentation or whose documentation suggested that their status was likely to change.
- If the status of a family member in a mixed family changes from ineligible to eligible, the family may request an interim recertification.

Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors. Because of the prohibition against delaying assistance to obtain verification of citizenship/immigration status, owners are advised to implement procedures to verify eligible immigration status in advance of other verification efforts.

If the applicant cannot supply the documentation within the owner's specified timeframe, the owner may grant the applicant an extension of not more than 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 30 days, the owner may establish a shorter extension period based on the circumstances of the individual case.

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

GJHA is required to verify with the DHS the validity of documents provided by applicants. This will be verified by gaining access to the Multifamily Systematic Alien Verification for Entitlements (SAVE) from the Administrator at HUD.

### **Ineligible Applicants**

An applicant is considered ineligible if:

- The household members, regardless of age, fail to submit evidence of citizenship or eligible immigration status;
- The household's annual gross income is greater than the applicable income limit established by HUD;
- The amount the household would be required to pay using the applicable HUD rent formula equals or exceeds the gross rent for the unit; or
- Management determines that the applicant and / or household member(s) do not meet the tenant selection criteria or the criteria under which the property was developed.

Any ineligible applicants admitted under the following limitations must pay contract rent:

- If the HAP Agreement was signed on or after October 1, 1981 (i.e., Post '81 Universe) applicants must be of very low-income status. Owners may not, without written approval, admit income ineligible applicants.

Actions owners must take before admitting ineligible applicants:

- Admit all available eligible applicants, unless there is good cause for denying them assistance;
- Take all reasonable steps to attract eligible applicants, including using marketing efforts likely to attract eligible applicants;
- Obtain prior written approval from the Colorado Housing Finance Authority to allow housing of the ineligible applicant(s); and
- Place in the files of any ineligible tenants who are admitted a written certification that the steps required above have been completed.

**General Occupancy Standards**

1 bedroom units	1 – 2 persons
2 bedroom units	1 – 4 persons

Units with Special Features

1 bedroom units	1 – 2 persons
2 bedroom units	1 – 4 persons

The owner is required to establish reasonable occupancy standards that will:

- Assist as many people as possible, without overcrowding; and
- Minimize vacancies.

Owners must comply with all reasonable state and local health and safety restrictions regarding the maximum number of persons permitted to occupy a unit. In the absence of such restrictions, overcrowding is deemed to occur when the total number of persons in the unit exceeds two persons per habitable sleeping room. Additional persons may be allowed when a habitable sleeping room provides at least 50 square feet per person. A habitable sleeping room is any room except the following:

- Kitchen;
- Bathroom;
- Hallway; or
- Dining room.

No more than two persons may occupy a bedroom provided there is sufficient square footage in the bedroom to meet local standards. If local standards permit, the living room may be considered a habitable sleeping room, therefore, increasing the overall occupancy level.

Units accessible to the mobility, visual and/or hearing impaired shall be used by individuals that need the special features of the unit. Owners may lease these units to individuals who do not need the special features when no current resident or no one on the waiting list needs such a unit. The housing provider must, however, have a lease provision that requires the individuals to transfer to another suitable unit when someone can document the need for the special features of the unit.

- Physically Handicapped / Disabled Applicants

For units accessible to or adaptable for persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority, (as applicable for a particular unit's features).

NOTE: Current residents in good standing requiring accessible/adaptable units shall be given priority over applicants requiring the same type of unit. Where no such applicants or current residents are at hand, management reserves the right to hold such units available while outreach efforts are in process to obtain applicants with need for such units. Where non-handicapped persons are moved into units designed to meet special needs, they must agree to move to the first available appropriately sized unit with no such design features available should an applicant or current resident require an accessible unit of the type currently occupied by the non-handicapped person.

- Unit Transfers for Reasonable Accommodations

Unit transfers can be requested but management reserves the right to approve, refuse or initiate unit transfers. When we initiate a transfer, management provides all the labor to move the tenant and fully set them up in the new unit. Tenants may be required to transfer to another unit within the development. Owners are obligated to transfer tenants to different units as a reasonable accommodation to a household member's disability. For example, a tenant with a physical disability might need a transfer to an accessible unit, or a unit on the ground floor, or a larger unit to accommodate a live-in aide. Transfers which are needed as a reasonable accommodation will be made on a priority basis.

The owner shall coordinate in-house transfers with housing applicants from the waiting list to assure a reasonable balance of tenant selection is maintained.

If no appropriately sized unit is available, the tenant will be placed on an in-house transfer waiting list in accordance with the date the family met the eligibility criteria.

## **Unit Transfers**

It is the policy of the Grand Junction Housing Authority (Nellie Bechtel Apartments) to allow a tenant to transfer from one apartment unit to another or one apartment complex to another ONLY under the following circumstances:

- Overcrowding;
- A tenant requiring an accessible unit with a proper health care professional's statement;
- A tenant who resides in a non-accessible unit at Nellie Bechtel Apartments and requires an accessible unit may request a transfer to an accessible apartment (with a proper health care professional's statement) when one becomes available;
- A tenant may request to transfer within the same apartment complex (from one unit to another) if they provide an adequate health care professional's statement of need specific to the cause and benefit of a change in apartments. GJHA will transfer tenant if GJHA believes it will provide reasonable accommodation to the tenant;
- Because of the long waiting list of applicants needing housing assistance, a tenant who resides at Nellie Bechtel Apartments may not transfer to another GJHA owned subsidized property.

Transfer requests will be placed on an in-house waiting list; in the order of the date & time they are approved. In-house transfers have priority in regard to apartment availability. The security deposit collected at move in will remain in effect regardless of the change in income or TTP.

## Eligibility Criteria

HUD's occupancy requirements and procedures ensure that eligible applicants are selected for occupancy that tenants receive the proper level of assistance, and that tenants are treated fairly and consistently.

Applicants and tenants must meet the following requirements to be eligible for housing assistance at Nellie Bechtel Apartments:

- The family must report the annual income of family members, including assets, as required under program rules;
- The family's annual income must not exceed program income limits;
- All information reported by the family is subject to verification;
- Applicants must disclose social security numbers for all family members and provide proof of the numbers reported;
- All adults in each applicant family must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter;
- An applicant must agree to pay the rent required by the program under which the applicant will receive assistance;
- The unit for which the family is applying must be the family's only residence; and
- Only U.S. citizens or eligible noncitizens may receive assistance under Section 8, Section 236, Rent Supplement, Rental Assistance Payment (RAP), and Section 202/8 programs.

**HUD program requirements specify the income limits used by each program.**

### Income Limits

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. Income limits are based on family size and the annual income the family receives. These limits are available for review at the site or management office. Nellie Bechtel Apartments will determine income eligibility prior to approving any applicant for tenancy. Once the applicant moves into Nellie Bechtel Apartments, this income eligibility test will not be done again unless the resident has gone to market rent and wants once again to be eligible for subsidy.

Applicants must have an income that is not greater than the maximum income limits established by HUD, and as published annually in the Federal Register. In addition, 40% of the new move-ins per year at this Section 8 property must be at or below 30% of the area median income, as required by HUD, and explained in the "Income-Targeting" paragraph below.

### Method for Income-Targeting

HUD requires that Nellie Bechtel Apartments must lease not less than 40% of the dwelling units that become available for occupancy in any project fiscal year to Extremely Low-Income families, which is defined as families whose incomes are below 30% of the area median income. The methodology Nellie Bechtel Apartments has chosen to fulfill this obligation is to alternate between the first six (6) extremely low-income families on the waiting list and the first four (4) otherwise eligible families. It is possible that applicants of a higher income that are also higher on the waiting list will be skipped over to achieve income-targeting. When this occurs, Nellie Bechtel Apartments will make a notation on the waiting list to indicate that an applicant was skipped over to achieve the 40% income-targeting rule.

HUD establishes income limits based upon family size and the income of the family. The greater the number of family members that will occupy a unit, the higher the income limit used to determine a family's eligibility.

HUD program requirements establish the income limits that are used to help determine whether applicants for HUD-subsidized housing are eligible for admission. HUD revises these income limits annually to ensure that they reflect increases or decreases in area income levels. This project accommodates:

- **Very low-income limit** - The annual household income less than or equal to 50% of the median income for households in the area in which the property is located.
- **Extremely low-income limit** - The annual household income less than or equal to 30% of the median income for households in the area in which the property is located.

### **Qualifying For Admission**

It is Nellie Bechtel Apartments policy to accept and process applications in accordance with applicable HUD regulations and recommended procedures.

Every application must be completed in its entirety, with or without assistance, and signed and dated by the head of the household and co-head(s), and all household members 18 years and older, if applicable. All members of the household shall be listed on the application form. Staff will assist any applicant who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision or language problems and, in general, making it possible for interested parties to apply for housing. The application will be completed to the extent that all factors of eligibility are included and a determination can be made by Eligibility Staff or Property Manager on the apparent eligibility status of an applicant. Applications that are incomplete and / or have not been signed and dated as required will not be processed.

Whenever possible, communications with applicants will be by first class mail. Failure to respond to letters may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control (i.e., medical emergencies or extreme weather conditions). If failure to respond is due to disability, management will make reasonable accommodation.

No decisions to accept or reject applicants shall be made until all verifications prompted by the application form have been received. The following items will be verified by Eligibility Staff or Property Manager to determine eligibility and suitability for admission to the development:

- Eligibility Information;
- Annual Income;
- Assets and Asset Income;
- Housing Preferences; if applicable
- Allowance Information; and
- Social Security Number for all persons in the household

Information used in Tenant Screening

- Citizenship / legal non-citizenship status

Eligibility Staff or Property Manager will be the final judge of what constitutes adequate and credible documentation. If there is any doubt about the truthfulness or reliability of information received, alternative methods will be pursued until Eligibility Staff or Property Manager is satisfied that the documentation obtained is the best available.

### **Preference Categories for Admission**

Nellie Bechtel Apartments only provides housing to applicants who meet the Tenant Selection Standards for being accepted as a resident. Nellie Bechtel Apartments will apply the following rules in the order shown for selecting eligible applicants.

- Preference required by individual programs pursuant to statute;
- Preference of opportunity to rent will be given to families, elderly families, including handicapped and disabled persons and displaced persons, over single persons;
- Preference based upon HUD regulation (HUD 4350.3, Chapter 2);
- Preferences as required by State / local law (HUD 4350.3, Chapter 2);
- Additional preferences. The owner may establish additional preferences as long as they are:
  1. Subordinate to any program-specific statutory preferences;
  2. Subordinate to preferences based upon HUD regulation;
  3. Subordinate to preferences required by state / local law; and
  4. Do not discriminate because of race, color, creed, religion, national origin, sex, sexual orientation, handicap / disability, familial status, marital status, or status with regard to public assistance.

NOTE: In developments originally designed for elderly families\* owners may, at any time, elect to give preference to elderly families subject to the requirements in Section 883.704a of the Federal Register.

\*Elderly families, for this notation, refers to families whose head of household, co-head, or their spouses or the sole member are 62 years or older.

Name	Description	Points
<b>ELDERLY / CITY / UGA &amp; STATE &amp; OUT OF AREA</b>		
ELD	Elderly / City & UGA	100
ELD	Elderly / State	90
ELD	Elderly / Out of State	80
ALL OTHER	ALL OTHER APPLICANTS	Date & Time

### **Administration of The Waiting List**

It is the policy of Nellie Bechtel Apartments to administer its Waiting List as required by HUD handbooks and regulations. Accepting an applicant from a lower waiting list position before one in a higher position violates policy and may be regarded as being discriminatory.

If no suitable unit is available, the owner will place an apparently eligible applicant on an Agency prescribed or approved waiting list. The waiting list shall be maintained by unit size and housing preference claim. Each apparently eligible applicant will be assigned his / her appropriate place on the waiting list based on the **date and time** the application is received for a suitable type and / or size of unit and in conjunction with factors affecting preference of priority as established in the development's Tenant Selection Plan.

### **A. Opening and Closing Waiting Lists**

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

Nellie Bechtel Apartments may close the waiting list if the list reaches 1400 families and the program is fully leased.

Closing the waiting lists, restricting intake or opening the waiting lists will be publicly announced in the same or similar manner in which Nellie Bechtel Apartments advertises for rental. During the period when the waiting list is closed Nellie Bechtel Apartments will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

## **B. Removal of applicants from the Waiting List**

Nellie Bechtel Apartments will not remove an applicant's name from the waiting list unless:

1. The applicant requests that the name be removed;
2. The applicant was clearly advised of the requirement to tell Nellie Bechtel Apartments of his / her continued interest in housing by a particular time and failed to do so;
3. Nellie Bechtel Apartments made a reasonable effort to contact the applicant to determine if there is continued interest in housing but has been unsuccessful; or
4. Nellie Bechtel Apartments has notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.

Preventing delays in re-renting units maximizes the housing assistance available and reduces occurrences of vandalism to the unit. Staff should be aware of the average turnover rate at the development. Suitable vacancies shall be offered to applicants first in sequence on the waiting list. Applicants should be notified as far in advance as possible that they could expect to receive an offer of a unit.

As soon as a notice to vacate is received, staff will immediately contact the first applicant in the waiting pool. The initial contact will be by telephone a minimum of three times within a 2 business days period. The applicant will also be contacted by mail stating the availability of the unit. If the applicant cannot be contacted within two business days, the offer will also be extended to the next applicant in the waiting pool, and so on. The first applicant who responds and intends to accept the unit, and still qualifies, will be allowed to lease the available unit.

If the applicant refuses the first initial offer of an available unit, they shall be placed in the last position of the waitpool and will be offered occupancy again once they have cycled through the waitpool again. Should the applicant reject the second offer, the applicant shall be removed from the eligible applicant waiting list unless the applicant can verify that a hardship exists or that there are mitigating circumstances. If this occurs, the applicant may re-apply for the waitlist again.

Note: Applicants who can show a good reason for failing to contact Nellie Bechtel Apartments within a reasonable time beyond the time originally given will be allowed to retain their position in the waiting pool; (i.e., applicant in the hospital, being on vacation, etc.). Applicants who fail to respond in a timely manner for reasons that are related to a disability, and not the fault of the applicant should also be reinstated (i.e., applicant requests the housing provider contact an advocate, being contacted by telephone rather than mail, etc.).

An applicant shall be offered no more than two suitable vacancies before being removed from the eligible waiting list. The reasonableness of the rejection will be determined by the owner and will so be documented with the applicant's application for housing. For handicapped / disabled applicants, reasonable accommodation needs shall be reviewed and made available to the fullest extent allowed. In addition, those applicants who have been placed at the bottom of the waiting list will have the effective date of their application changed to the date of the second rejection.

Note: Applicants who can show that the unit was rejected for reasons that were related to a disability, and not the fault of the applicant, shall remain on the waiting list and their application will retain its original date.

### **C. Handicapped Accessible Units**

Applicants requiring the features of an accessible unit (i.e., a disabled family, shall be offered an accessible unit, of appropriate bedroom size, before applicants not requiring the accessible features regardless of the disabled family's position on the waiting list). If the disabled family is the next applicant on the waiting list and the available unit, of appropriate bedroom size, is not an accessible unit, management will make the available unit accessible (for the disabled family to rent) to the greatest extent possible pursuant to Section 504 of the Rehabilitation Act of 1973, as amended.

### **D. Updating the Waiting List**

The owner shall update the waiting list periodically to determine if applicants are still interested and eligible to remain on the waiting list. The owner shall, at the time of each update, obtain current applicant information on at least the following:

1. Household characteristics (i.e., number of family members and composition);
2. Income and assets; and
3. Housing preferences; if applicable

The updated information shall be obtained from the applicant in writing and certified by the tenant's dated signature that the information provided is true and correct. The owner will notify each applicant by mail requesting the above information and confirmation of its interest in remaining on the waiting list. The owner must specify a reasonable time frame in which the applicant is to respond (i.e., 30 days). If the applicant replies affirmatively, its application will retain its position on the waiting list. If the reply is negative, the applicant's name will be removed from the waiting list. If no reply is received within the specified time frame, a final letter will be sent to the last known address stating that the applicant's name is being removed from the waiting list on a specific date (i.e., 5 days from the date of the letter).

### **Screening Criteria**

Nellie Bechtel Apartments will not employ criteria that are unrelated to an applicant's ability to meet essential lease requirements. It is unlawful to make an inquiry to determine whether an applicant, a person intending to reside in the unit after it is rented or made available, or any persons associated with that person, has a disability (unless directly relevant to eligibility), or to make inquiry as to the nature or severity of a disability of such a person.

**Upon receipt of a completed application the applicant shall be screened considering factors that include, but are not limited to, the following:**

- Demonstrated ability to pay housing expenses on time;
- Comments from current and former landlords; Landlord and / or appropriate housing references from the prior 24 months will be required. Inquiry will be made pertaining to current / past rental history including nonpayment of rent, failure to cooperate with applicable recertification procedures; violations of house rules; violations of lease; history of disruptive behavior; housekeeping habits; termination of assistance for fraud; previous evictions, and / or abusive use or pattern of abuse of alcohol that may interfere with the right to health, safety or peaceful enjoyment of the property by other tenants.
- Credit references. Credit checks may be particularly useful when no rent payment history is available. However, lack of a credit history, as opposed to a poor credit history, is not sufficient justification to

reject an applicant;

- Drug related or criminal activity. Background checks will be run for each applicant 18 years of age and older;
- Sex Offender Registry. Inquires will be made for each applicant 18 years of age and older to determine if they are subject to a State sex offender registration requirement;
- Applicant's ability to comply with the terms of the lease and / or house rules;
- Housekeeping habits. Housekeeping criteria are not intended to exclude households whose housekeeping is only superficially unclean or disorderly if such conditions would not appear to affect their or others health, safety and / or welfare;
- Units with special accessibility features. For applicants who require a fully accessible unit inquiries may be made to determine whether an applicant requires the features of such a unit. Inquiries may be made to determine whether an applicant for a unit is qualified for a priority that is made available to persons with disability; and
- Consideration of Extenuating / Mitigating Circumstances in the Screening Process. Owners may consider extenuating / mitigating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant.

**The following factors will not be used when screening an applicant:**

- Physical examinations: Owners may not require physical examinations or medical testing as a condition of admission. Owners may uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy but may not impose greater burdens on individuals with disabilities;
- Meals and Other Services: Owners must not require tenants to participate in a meals program or establish other mandatory charges for services without the prior consent of HUD;
- Donations or contributions: Owners must not require a donation, contribution, or membership fee as a condition of admission. Owners may not require any payments not provided for in the lease; or
- Pets: Applicants shall not be rejected solely because the applicant has a pet.

The owner must either:

- Accept the applicant,

AND

- a. Provide housing;
- b. Place the applicant in the waiting pool if a unit is not available.

OR

- c. Reject the applicant.

If the owner determines the family is eligible and is otherwise acceptable, and a unit is available, the owner will assign the family a unit of appropriate size in accordance with the General Occupancy Standards.

**Verification Requirements**

Property shall obtain verifications in compliance with requirements set forth in the HUD Handbook 4350.3. No decision to accept or reject an application shall be made until verifications keyed by the application form have been collected and any necessary Follow-up Interviews have been performed.

## **Tenant Selection Criteria**

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

Compliance with Tenant Selection Criteria, such as:

- Documented ability and willingness to abide by lease requirements, and, if applicable, housing program requirements;
- Previous housing history; and
- Absence of current or history of disqualifying criminal activity of any household member.

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

Each file will be documented to show that Nellie Bechtel Apartments attempted to obtain third-party written documentation, when appropriate before relying on some less acceptable form of information.

Management Staff will be the final judge of the credibility of any verification submitted by an applicant or an authorized Third Party. If Eligibility Staff considers documentation to be doubtful, it will be reviewed by the Property Manager who will make a ruling about its credibility. Eligibility Staff will continue to pursue credible documentation until it is obtained, or the applicant is rejected for failing to provide required documentation.

### **Types of Verification Required**

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

- Eligibility for Admissions, such as:
  1. Income, assets, and asset income;
  2. 62 years of age or older (Tenant or Co-Tenant);
  3. Household composition;
  4. Documentation of Social Security Numbers of household members; and
  5. Signing of the Form HUD-9887 and HUD 9887-A.
- Allowances, such as:
  1. Age, disability, or handicap of household members;
  2. Full time student status;
  3. Child care costs;
  4. Disability expenses; and
  5. Medical costs (for elderly / handicap households only).
- Priorities, such as:
  1. Disabled household that needs features of an accessible unit.
- Compliance with current or prior landlords, such as:
  1. Positive prior landlord and / or housing reference, paying rent in a timely manner; and
  2. Complying with the House Rules and Regulations.
- Credit checks will be processed through a third-party credit vendor. Management may offer special consideration of negative times including:
  1. Medical collections;
  2. Proof of satisfactory dispute of a negative credit rating;

3. Applicant shows period of credit problems which have been corrected;
4. Applicant has proof of repayment of debt. Proof must be a statement of satisfaction from creditor, court, or other legal proof; and /or
5. Absence of a credit file will not adversely affect the application.

All the above information must be documented, and appropriate verification forms or letters will be placed in the applicant or resident file. Only verified information that is less than 120 days old may be used for verification or recertification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

**Forms of Verification- Documentation required, as part of the verification process, may include:**

- Checklists completed as part of the interview process and signed by the applicant.
- Verification forms completed and signed by third parties.
- Reports of interviews
- Letters
- Notes of telephone conversations with reliable sources
- Documentation provided by the household, such as Social Security Cards, Birth Certificates, or other acceptable forms as outlined in the HUD 4350.3 Handbook.

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

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

**Sources of Information-Sources of information to be checked may include, but not limited to:**

- The applicant by means of interviews
- Present and former housing providers
- Present and former employers
- Credit checks
- Household social workers, parole officers, court records, drug treatment centers, physicians, clergy
- Law enforcement and/or criminal databases.

**Preferred Forms of Verification-Verifications shall be attempted in the following order:**

- Copies of third party documents provided by the household (i.e. Social Security or agency printout, award letter, pay stubs, bank statements, pharmacy printouts, payment book stubs for medical insurance premium, etc.)
- Third party written
- Third party oral with a record kept in the files
- In the absence of any of the above, affidavits from the household

Each file will be documented to show that the Property staff attempted to obtain third party written documentation before relying on some less acceptable form of information.

## **Attempted Fraud:**

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The Property considers false information about the following to be grounds for rejecting an applicant:

- Income, assets, household composition
- Social Security Numbers
- Preferences and priorities
- Allowances
- Previous residence history or criminal history

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

## **Verification Time Frame**

Only verified information that is less than 90 days old may be used for certification or recertification.

Verifications may be extended for 30 days with a telephone update. (A record of the update must be placed in the applicant's file.) Verified information not subject to change (such as a person's date of birth) need not be re-verified. Information obtained which is subject to change, and for which verifications are more than 120 days old, must be re-verified.

## **Applicant Interview**

At the time an appropriate unit becomes available, or sooner, the owner must interview the applicant and obtain current information about the family's circumstances. Any question that is asked of one applicant must be asked of all applicants. A final decision on eligibility cannot be made until all verifications are complete.

Owners should refer to the HUD Handbook 4350.3 for income, asset and allowance information as well as the documents owners must:

- Confirm and update all information provided on the rental application (If the applicant is determined ineligible the owner must comply with proper procedures for rejection);
- Explain program requirements, verification procedures and penalties for false information. The penalties include eviction, loss of assistance, fines up to \$10,000 and imprisonment up to five years;
- Obtain family income and composition information needed to certify eligibility and compute the tenant's share of the rent. Any changes in family income and composition since the date of application should also be obtained;
- Review the financial information on the rental application and specifically ask the applicant whether any member of the household receives the types of income or assets as listed on the application. If it seems likely that an applicant is receiving a form of income not reported on the application, ask the applicant about that source of income and document the applicant's response in the file;
- Ask the head of household, spouse, co-head(s) and household members age 18 years and over to sign the release of information consent portion of any verification request, or other applicable forms, used for determining eligibility;
- Require the head of household, spouse, co-head(s) and household members age 18 years and over to give a written verification as to whether any family member did / did not dispose of any assets for less than fair market value during the two years preceding the effective date of the verification;
- Require the head of household, spouse, co-head(s) and household members age 6 years and over to disclose and document all Social Security Numbers or execute a certification when a Social Security Number has not been assigned;

- Require that all household members to make declaration of citizenship or legal non-citizenship. Parents make the declaration for minor household members. Legal non-citizenship requires documentation. In cases where citizenship is 'questionable' management may require documentation;
- Advise the family that, for a sample of cases, HUD will compare the information with Federal, State or local agencies;
- Tell the family that a final decision on eligibility cannot be made until all verifications are complete;
- Inform the family that Federal laws prohibit discrimination against individuals with disabilities;
- Inform applicants of housing for the elderly or disabled about the rules on owning pets; and
- Provide the household with Federal and State Data Privacy information

### **Eligibility of Independent Students to receive Section 8 Assistance**

To be eligible for Section 8 Assistance, any adult who attends an institute of higher learning (full or part-time) must be one of the following:

- A dependent of the household;
- Over age 23;
- A Veteran;
- Married;
- A parent with dependent child (or children);
- A disabled individual who was receiving assistance prior to November 30, 2005; or
- Independent from parents\* OR have parents who are income eligible for Section 8 assistance.

\*To prove that a person age 18-23 is "Independent" an owner must verify (and document that the student):

- Is of legal contract age under state law;
- Have established a separate household from parents for at least a year OR meet the U.S. Dept. of Education definition of an independent student \*\*;
- Is not claimed on parent's tax return; and
- Whether or not they receive financial help from parents.

\*\* The Department of Education's definition of an independent student includes an individual who meets one or more of the following criteria:

- The individual is 24 years of age or older by December 31 of the award year
- The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- The individual is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes
- The individual is a graduate or professional student
- The individual is married

- The individual has legal dependents other than a spouse
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting, by:
  - A local educational agency homeless liaison;
  - The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
  - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
  - A financial aid administrator
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

The law does not apply to students who reside with parents who are applying to receive Section 8 assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

If a student is applying for assistance on their own, apart from their parents, the O/A must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, the O/A must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from their parents or the student’s parents are income eligible for the program, (3) the “family” with which the student is applying is collectively eligible for the program, (4) is of legal contract age under state law, (5) has established a household separate from parents or legal guardians for at least one year, (6) is not being claimed as a dependent by parents or legal guardians pursuant to IRS regulations, and (7) obtains a certification of the amount of financial assistance provided by parents, signed providing the support.

If the student is NOT “independent,” then the parents must be income-eligible for Section 8. The parents may sign a declaration and certification of income. They must be below the HUD income limit. The income limit that will be used:

- If parents live in the U.S. – income limit for the county that the parents live in.
- If parents live outside the U.S. – limit where the property is located.

An owner may verify further (tax returns, etc.) if the parent’s certification is questionable. The student is not eligible if the parents refuse to provide a:

- Declaration of their income; and
- Statement of whether they provide student financial assistance or not.

### **Social Security Number Requirements**

On April 14, 2009, HUD issued HUD Notice 10-08 Implementation of Refinement of Income and with the implementation of the Final Rule effective January 31, 2010, the requirement to disclose and provide verification of a Social Security Number is no longer limited to those assistance applicants and residents six years of age and older. The provision to sign a certification stating that no Social Security has been assigned has been removed as well.

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

The Social Security Number requirements do not apply to:

- Individuals who do not contend eligible immigration status.

1. When applicants and residents 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 each resident's Citizenship Declaration on file - whereby the individual did not contend eligible immigration status - to support exception to the requirements to disclose and provide verification of a Social Security Number.
  2. For Section 221(d)(3) BMIR, Section 202 PAC, Section 202 PRAC and Section 811 PRAC properties, the restriction of assistance to noncitizens does not apply. Individuals living at one of these properties, who do not contend eligible immigration status, must sign a certification, containing the penalty of perjury clause. The certification must be maintained in the resident file to support exception to the requirements to disclose or provide verification of a Social Security Number.
- Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
    1. The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
    2. Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. An owner / agent must not accept a certification from the applicant stating they qualify for the exemption.
    3. 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.

### **Acceptable Verification Documents**

Most individuals should be able to verify all Social Security Numbers with a Social Security card. However, if the applicant or resident cannot produce the Social Security card for any or all non-exempt household members, the documents listed below, showing the household member's Social Security Number, may be used for verification.

- Original document issued by a federal or state government agency which contains the name, Social Security Number, and other identifying information of the individual;
- Driver's license with Social Security Number;
- Earnings statements on payroll stubs;
- Bank statement;
- IRS Form 1099;
- Social Security Administration benefit award letter;
- Retirement benefit letter;
- Life insurance policy; or
- 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*.

<http://www.hud.gov/offices/adm/hudclips/handbooks/hsg/4350.3/index.cfm>.

### **Rejection of Documentation**

*The owner/agent must reject a document that:*

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

The owner/agent must explain to the applicant or resident the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation of the Social Security Number and submit it.

### **Actions Once Social Security Number is verified**

Once the individual's Social Security Number has been verified, the owner/agent *should* remove and destroy the copy of the verification documentation by no later than the next recertification of family income or composition.

- Paper documentation should be destroyed by shredding, pulverizing or burning
- Electronic documentation should be destroyed by erasing or permanently deleting the file.
- 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: [www.hud.gov/offices/adm/hudclips/handbooks/admh/2400.25/index.cfm](http://www.hud.gov/offices/adm/hudclips/handbooks/admh/2400.25/index.cfm)

The resident file should include the Household Summary Report from the EIV system which reports the status of the identity verification process and provides verification of the Social Security Number. Retaining the Household Summary Report in the resident file and destroying the copy of the Social Security Number documentation will minimize the risk of exposing the individual's Social Security Number. Owner/agents are encouraged to minimize the number of resident records that contain documents which display the full nine-digit Social Security Number.

### **Notices to Residents and Applicants**

Owner/agents must contact applicants to notify them of the change in Social Security Number requirements. The notice must inform applicants that they will have to disclose and provide verification of Social Security Numbers for all non-exempt household members before they can be admitted.

For existing residents, notice must be given to the head of household indicating Social Security Number documentation must be brought to the next certification meeting for all non-exempt household members who have:

- Not disclosed their Social Security Number
- Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
- Been issued a new Social Security Number

In addition, if a resident makes a request to add a new household member, the owner/agent must provide a notice explaining the change in Social Security Number requirements.

As with all notices to residents and applicants, limited English proficiency requirements apply. For additional information on LEP, refer to HUD's LEP web site at [www.hud.gov/offices/fheo/promotingfh/lep.cfm](http://www.hud.gov/offices/fheo/promotingfh/lep.cfm)

### **Penalties for a Resident's Non-disclosure of Social Security Number**

Owner / agents must terminate the tenancy of a resident and the resident's household if the resident does not meet the Social Security Number disclosure, documentation and verification requirements since the household is in non-compliance with its lease. There is no proration of assistance for those household members who are required to obtain a Social Security Number but who fail to disclose and verify their Social Security Number.

## **Timeframe for Providing Social Security Numbers**

### **Existing Residents**

All residents, except those who are exempt, must disclose and provide verification of their Social Security Number at the time of their next interim or annual certification if:

- They have not previously disclosed a Social Security Number;
- Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
- Been issued a new Social Security Number.

Failure to provide this information will result in termination of tenancy. The owner / agent may defer termination of tenancy and provide the resident with an additional 90 days to become compliant with the Social Security Number disclosure and verification requirements. The deferral is at the owner / agent's discretion and must only be provided if failure to meet the Social Security Number requirements was due to circumstances outside the control of the resident and there is likelihood that the resident will be able to disclose and provide verification of the needed Social Security Number(s) by the deadline date.

The head of household must be notified when EIV pre-screening or the Social Security Administration validation determines that a household member has provided an invalid Social Security Number.

If a resident fails to provide a valid and verified Social Security Number, the household is subject to termination of tenancy in accordance with 24 CFR 5.218.

### **Applicants**

Applicants do not need to disclose or provide verification of a Social Security Number for household members to be placed on the waiting list. The process - described in HH 4350.3 Revision 1, Change 3, Paragraph 3-9 - of having applicants certify that they have a Social Security Number for each household member is no longer applicable.

However, applicants must disclose a Social Security Number and provide adequate documentation to verify each Social Security Number for all non-exempt household members before they can be housed. If all non-exempt household members have not disclosed and/or provided verification of their Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit.

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

### **Adding a Household Member**

When a resident requests to add a household member who is age six or older, the documentation of the Social Security Number for the new household member must be provided to the owner / agent at the time of the request or at the time the certification, which includes the new household member, is processed. The owner / agent must not add the new household member until such time as the documentation is provided.

When adding a household member, who is a child under the age of six with a Social Security Number, the child's Social Security Number must be disclosed and verification provided at the time the owner / agent prepares the certification that includes the new household member.

If the child does not have a Social Security Number, the owner / agent must give the household 90 days in which to provide documentation of a Social Security Number for the child. An additional 90-day period must be granted if the failure to provide documentation of a Social Security Number is due to circumstances that are outside the control of the resident. Examples include but are not limited to:

- Delayed processing of the Social Security Number application by the Social Security Admin.
- Natural disaster
- Fire
- Death in family

During this time period, the child is included as part of the household and the household will receive all of the benefits of the program including the dependent deduction and applicable child care deductions.

At the time of the disclosure of the Social Security Number and adequate verification documentation, an interim certification must be processed to include the child's verified Social Security Number. If the Social Security Number is not provided, the household is subject to termination of tenancy.

### **Assignment of a New Social Security Number**

If a resident or any member of a resident's household is or has been assigned a new Social Security Number, the resident must provide the Social Security Number and documentation to verify the Social Security Number to the owner / agent at:

- The time of receipt of the new Social Security Number; or
- The next interim or regularly scheduled recertification; or
- Such earlier time as specified by the owner/agent

### **The Enterprise Income Verification System (EIV)**

In an effort to ensure the right assistance is provided to the right people. The Department of Housing and Urban Development (HUD) has provided Managers with access to a new verification database called the Enterprise Income Verification System (EIV).

EIV provides information about project-based and tenant-based HUD assistance recipients. This database is also used to verify certain types of reported incomes with records maintained with the Social Security Administration, Department of Health and Human Service (HHS) as well as the National Database of New Hires. HHS provides information about current and past employment and unemployment income information.

As an applicant and possible Resident of Nellie Bechtel Apartments, HUD mandates that you be informed about this new system. By signing HUD form 9887, you authorize HUD and the Nellie Bechtel Apartments to use data obtained through computer matching with other agencies to verify your income in order to establish eligibility.

### **EIV Reports**

The Enterprise Income Verification (EIV) system consist of various reports that are available to assist Property Managers in the verifying of data. The reports and the frequency that they are accessed are as follows:

Income Reports - At Annual Re-certifications

Income Discrepancy Report -At Annual Re-certifications

No Income Report -As Needed

New Hires Report – Quarterly.

Existing Tenant Search – Will be generated for all applicants:

- Multiple Subsidy Report -Quarterly;
- Identity Verification Report -Monthly;
- Deceased Tenant Report -Quarterly.

## **Applicant Screening Criteria**

### **Ensuring That Screening is Performed Consistently**

The Property Manager or Eligibility Staff shall apply the criteria consistently to all applicants. To ensure that all applicants are treated consistently during the screening process:

- The Eligibility Staff or Property Manager shall conduct screening to reduce inconsistencies;
- Standard forms designed to meet HUD screening criteria shall be used to screen all applicants;
- Use objective criteria: For example, when interviewing an applicant’s former landlord about rent payment and rental history, the Eligibility Staff or Property Manager shall ask fact-based questions. Avoid subjective questions that ask for opinions or do not directly relate to the tenant’s ability to meet the requirements of the lease.

### **Sample of appropriate questions to ask:**

1. Was the tenant ever late with a rent payment? If yes, when and how many times was the tenant late?
2. Did other lease violations occur? If so, what were they? How frequently did each of the other lease violations occur?
3. Was the tenant ever cited for disruptive behavior? How often?
4. Did the tenant violate house rules? What rules were violated, and how many times did violations occur?
5. Was the tenant evicted?

### **Sample of inappropriate questions to ask:**

1. Did the tenant’s boyfriend / girlfriend visit often?
  2. Did the tenant make lots of complaints to the Owner?
  3. What is the tenant’s reputation?
- Follow a formal, written process for collecting information. Do not take into consideration informal or “gossip” about an applicant. Such information may be discriminatory and will affect applicants inconsistently since the Eligibility Staff or Property Manager does not collect it for all applicants.

The **Eligibility Staff and Property Manager** shall use the following guidelines and / or consider the following factors in screening applicants for occupancy:

### **Screen for Credit History**

Examining an applicant’s credit history is one of the most common screening activities. The purpose of reviewing an applicant’s credit history is to determine how well applicants meet their financial obligations. A credit check can help demonstrate whether an applicant has the ability to pay rent on time.

The Property Manager shall use two primary sources to determine housing / rental and credit history:

- Obtain landlord / housing references covering a period of two (2) years. The Property Manager or

Eligibility Staff shall rely more on former landlords than current landlord. Former landlords do not have a reason to provide misleading information, and therefore may provide accurate references. The landlord verifications will be made during the initial screening process and before an applicant's name is added to the Waiting pool. A positive landlord reference would include:

Rent was paid and in a timely manner;

- Applicant must show compliance with facility and lease policies;
- Property was left in an acceptable condition with any back balances paid in full;
- In the event that a landlord reference is unavailable or if an applicant is presently residing with family members the Landlord Verification Form will be waived. However, the Property Manager or Eligibility Staff shall require at least one personal reference letters and be consistent with applying this procedure for all applicants that currently reside with family members or rental situations. A credit reference may substantiate ability to pay monthly housing costs in a timely manner if applicant was responsible for a mortgage payment.

The Eligibility Staff or Property Manager reviews each adult applicant's credit history. The Eligibility Staff or Property Manager does not consider medical bills / expenses when reviewing credit history. Applicants will not be denied for not having a credit history or having a poor credit history. However, an applicant may be denied if a credit report reveals that the applicant owes a prior landlord rent and / or has unpaid utility bills. Owing a prior landlord rent also includes outstanding balances for rent, excess utility charges, damages, or subsidy payback agreements.

Consideration may be given to formerly owed debts due to past landlords if:

- Such debt has been paid;
- Applicant enters in to a repayment agreement and can demonstrate current payment history of on-time payments for at least the last six months; or
- For other circumstances which management deems to be reasonable

If no credit history is available, the Eligibility Staff / Property Manager may accept a single reference from a person who is not related to the applicant who is a licensed business owner, accredited professional or an employee of an accredited education facility who has direct knowledge relevant to the applicant's suitability for tenancy.

### **Secure Screening for Credit and Criminal Background Checks**

Management or Eligibility Staff will order credit and criminal background reports for each applicant 18 years of age or older, at management's expense, and review the report to determine the applicant's history of meeting financial obligations including payments for rent, utilities, loans, revolving credit cards and other obligations. Management will attempt to verify that no collection or outstanding balance due for rental or housing related activity such as utility payments or property management companies, or eviction.

### **Denial Criteria**

The property complies with applicant denial requirements set forth in the HUD Handbook 4350.3. Management reserves the right to deny applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the following categories listed below in this section:

Owners may deny an applicant for a poor credit history, but must not deny an applicant for lack of a credit history. Applicants with poor or unacceptable Credit Histories may still be permitted to have their names added to the waiting pool. Consideration may be granted on the person's individual situation. The applicant's will be given an opportunity to provide an explanation and request further consideration.

An example of unacceptable credit history is one that reflects:

- Consistent, past-due payments of more than 90 days;
- A history of repeated insufficient fund checks;
- Derogatory credit (repossessions, foreclosures, judgments, collections, charge-offs, liens, bankruptcy not yet discharged, etc.);
- Delinquent or charge off debt due to other housing providers;
- Unpaid utility company collections which would prohibit applicant from obtaining services;
- Failure to cooperate with re-certification procedures.

**Applicants may also be denied if:**

- The applicant is ineligible;
- The applicant's household characteristics are not appropriate for the size or type of units that are available;
- The applicant does not meet the owner's resident selection criteria;
- The applicant fails to disclose and document all Social Security Numbers or execute a certification when numbers have not been assigned;
- The applicant fails to provide declaration of citizenship or legal non-citizenship;
- Does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A);
- The applicant was / is unable to fulfill obligations and comply with all terms of the previous / current Lease / Rental Agreement;
- The applicant has a record of chronic late, underpayment or nonpayment of rightful obligations, including rent and utilities;
- The applicant has a record of disruptive behavior;
- The applicant has a record of destruction of property;
- The applicant has a record of poor living or housekeeping habits;
- The applicant has been evicted for material non-compliance, or 'other good cause', from current or previous housing;
- The applicant has a history of activities that would be injurious to the reputation of the property and / or be likely to cause an increase in the rate of hazard insurance on the property;
- The applicant purposefully falsified, misrepresented or withheld information or submitted inaccurate and / or incomplete information on any application or during the interview related to eligibility, award of preference for admission, allowance, family composition or rent;
- The applicant was evicted or lost housing assistance because s/he purposefully falsified, misrepresented or withheld information or submitted inaccurate and / or incomplete information on any application or during the interview related to eligibility, award of preference for admission, allowance, family composition or rent;
- The applicant refuses to comply with housing program requirements, policies and / or procedures (i.e., failure to sign and submit relevant forms, consents, releases, etc.);
- The applicant has current or recent problems involving Negative Landlord Response (evictions);

- The applicant has current or recent problems involving Failure to meet past financial obligations;
- The applicant has current or recent problems involving Negative credit report;
- The applicant has current or recent problems involving Giving false information on the application;
- The applicant has current or recent problems involving Refusal to cooperate with a home visit;
- An application may be rejected if a home visit is completed and it is determined by management that the current residence of the applicant or any member of the household's family is not safe & sanitary;
- The applicant has current or recent problems involving their inability to have the Utilities including but not limited to (Electrical, Gas, Cable and Phone) service in the Head of Household's name;
- The applicant has current or recent problems involving Violation of house rules;
- The applicant has current or recent problems involving previous evictions for lease violations or previous Termination of assistance for fraud.

**Applicants must be denied if: (See table on next page)**

<b>Violation:</b>	<b>Action:</b>	<b>Exception:</b>
<p><b>Any</b> Registered Sex Offender (regardless of duration or offender's age).</p> <p>Sexually based felony criminal charge in the past <b>7 years</b>.</p>	Denial of Admission	<p>NONE for Registered Sex Offenders</p> <p><i>For felony arrests: Documentation showing the charge was dropped and / or reduced to a charge that does not violate this policy.</i></p>
Production / Manufacturing of a controlled substance in the past <b>10 years</b> . [24 CFR 5.100]	Denial of Admission	NONE
<p><b>Felony</b> Violent Criminal Activity in previous <b>5 years</b>.</p> <p><i>Includes but not limited to: Battery, Any type of Assault, Murder, Homicide, Robbery, Child Abuse, Rape, Possession of a Weapon, Kidnapping, Some Domestic Violence, charges for stalking. [24 CFR 5.100]</i></p>	Denial of Admission	<p>NONE</p> <p><i>For felony arrests: Documentation showing the charge was dropped and / or reduced to a charge that does not violate this policy.</i></p>
<p><b>Felony</b> Drug Related Activity</p> <p>Activity in the past <b>5 years</b>.</p> <p><i>Includes but not limited to:</i></p> <p><i>Possession / distribution of a controlled substance. [24 CFR 5.100]</i></p>	Denial of Admission	<p>NONE</p> <p><i>For felony arrests: Documentation showing the charge was dropped and / or reduced to a charge that does not violate this policy.</i></p>
Pattern of abuse of alcohol that may threaten the health, safety or right to peacefully enjoyment of other residents.	Denial of Admission	<i>Evidence that household member has attended court approved alcohol rehabilitation after most recent offense.</i>
<b>Misdemeanor</b> Drug Related or Violent Criminal Activity in past <b>3 years</b> . <i>Includes but not limited to: assault, domestic violence, some possession of marijuana charges. [24 CFR 5.100]</i>	Denial of Admission	<i>Evidence that household member has completed court approved rehabilitation and / or any other mandates of the court.</i>
Any criminal activity or pattern of criminal activity that may threaten the health or safety of the neighbors, the owner, property management staff, or PHA Staff. (Including but not limited to: Any crime against a person, burglary, stalking, harassment of a neighbor)	Denial of Admission	<p>NONE</p> <p><i>For felony arrests: Documentation showing the charge was dropped and / or reduced to a charge that does not violate this policy.</i></p>
Threatening or abusive behavior toward PHA Staff or Contractors.	Denial of Admission	<i>Will not be allowed to reapply for one year from the date of the incident. Decision to be made by designate of The Executive Director</i>
Fraud or Attempted Fraud perpetrated against a subsidized housing provider.	Denial of Admission	<i>Will not be allowed to reapply for three years.</i>
Terminated or evicted from any PHA program in the past for violation of family obligations.	Denial of Admission	<i>These will be reviewed on a case by case basis. Families who left owing money to PHA or a LL or were terminated for violence against staff will not be allowed re-entry.</i>

Note: The term 'applicant' is inclusive of the applicant and all other household members.

Unwitting errors that do not secure an advantage with regard to program eligibility preferences, or rent will not be used as a basis to reject applicants.

Applicants may be denied particular units and placed on a waiting list if the household's characteristics are not appropriate for the size or type of units that are available at that time.

If Nellie Bechtel Apartments does not place an applicant on the waiting list, Nellie Bechtel Apartments must notify the applicant in writing of the denial, and explain in the notice the reasons for the denial, the denial has to be post-dated within 10 business days of the application being received,

AND,

- That the applicant has 14 days to respond in writing or to request a meeting to discuss the rejection.
- If the applicant is an individual with disabilities, the applicant may inform Nellie Bechtel Apartments of this fact and may ask to have a reasonable accommodation in the policies or practices to enable the applicant to have an equal opportunity to respond, schedule, and participate in such a meeting.

A member of Management Staff, who did not make the initial decision to deny the applicant, must conduct any meeting with the applicant or review of the applicant's written response.

If the applicant appeals the denial, Nellie Bechtel Apartments must give the applicant a written final decision within five (5) business days of the response or meeting.

Nellie Bechtel Apartments must keep the following materials on file for at least five years: application, initial denial notice, any applicant reply, owner's final response, and all interview and verified information on which the owner based the denial.

### **Mitigating Circumstances**

Nellie Bechtel Apartments may complete additional eligibility review with any applicant known to have a disability who cannot meet one or more of the tenant screening criteria. The purpose of this review is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying reasonable accommodation.

Mitigating circumstances would be facts (that can be verified) that would overcome or outweigh information gathered in the tenant screening process.

Acceptable evidence of mitigating circumstances may include the following:

- Verification that unacceptable past behavior is either no long in effect or otherwise controlled; or
- Applicants who claim unacceptable behavior resulting from alcoholism or drug addiction must verify that they are not currently engaging in alcohol abuse or the use of illegal drugs. Current abuse is defined as use within six (6) months prior to the date of application.

During the period that the applicant is claiming no current use, the applicant's behavior in the previously unacceptable area must have shown improvement. Unimproved behavior shall be taken to construe that either the applicant's unacceptable behavior was not caused by alcohol or drug abuse, or the applicant is still engaging in alcohol or drug abuse. Lack of improvement in a previously unacceptable area shall result in a denied application for admission.

Nellie Bechtel Apartments shall also have the right to request further information reasonably needed to verify a mitigating circumstance, even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such further information, Nellie Bechtel Apartments will give no further consideration to the mitigating circumstance.

**A. Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government or PHA owned, managed or subsidized dwelling unit will constitute grounds for denial of admission.

**B. Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life and will constitute grounds for denial of admission.

**C. Failure to Provide Required Documentation Resulting in Denial of Admission:** Includes not providing proper documentation regarding Social Security Numbers of household members age 6 and older. Not signing the Authorization to Release of Information form (HUD 9887 and HUD 9887-A). Not providing evidence of US citizenship or eligible immigration status within time frames outlined in the HUD 4350.3 Handbook.

**D. Violent Behavior:** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another. Violent behavior constitutes grounds for denial of admission.

**E. Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations. A history of non-compliance with Rental Agreements constitutes grounds for denial of admission.

**F. Owing Prior Landlords:** Owing a balance to present or prior landlords constitutes grounds for denial of admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.

**G. Obtaining Any Type of Unauthorized Federal Assistance:** Applicants who owe a balance to any Federal Agency or Program due to applicant receiving any type of unauthorized Federal Assistance will be denied admission.

**H. Unsanitary or Hazardous Housekeeping:** Includes generally creating any health or safety hazard through acts of neglect and causing or permitting any damage to or misuse of premises and equipment, if the family is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use, in a reasonable and proper manner, all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises. Unsanitary or hazardous housekeeping tendencies constitutes grounds for denial of admission.

**I. Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicate the family will be unable or would otherwise fail to pay rent when due for the apartment and other expenses relating to occupancy of the apartment constitutes grounds for denial of admission.

- NOTE: Bad credit due to medical bills is not grounds for the rejection of an application. The absence of a credit file will not adversely affect the application.

**J. Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for denials of an application are listed in the chart on page 32:

- Management reserves the right to deny any application where any applicant's act which results in the person's proposed tenancy constituting a threat to the health or safety of other individuals, result in

substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.

Though the **U.S. Department of Housing and Urban Development** doesn't require it, the Owner shall use the Dru Sjodin National Sex Offender Public Web site (NSOPW) to catch offenders who aren't in the State of Colorado state database: <http://www.nsopw.gov/Core/Conditions.aspx>.

**There are two exceptions to the above provisions allowed by HUD:**

The evicted household has successfully completed an approved, supervised drug rehabilitation program, **OR** the circumstances leading to the eviction no longer exist (i.e., the household member no longer resides with the applicant household).

The owner shall require written evidence that the members of the household are not and have not engaged in criminal activity for a reasonable period of time – typically seven (7) years or longer. The owner shall require the household member to submit documentation to support the reconsideration of the decision which includes:

A certification that states that she or he is not currently engaged in such criminal activity and has not engaged in such criminal activity for seven (7) years or longer.

Supporting information from such sources as a probation officer, social service agency worker or criminal record(s) that can be verified by the Eligibility Staff / Property Manager.

**Screening for Housekeeping Habits**

Messy living quarters are not the same as safety and health hazards.

Poor housekeeping habits might be described as those that create an unsafe or unhealthy environment (i.e., an uncontrolled accumulation of trash, which has led to pest infestation or poses a health danger to other residents). If an applicant is living with someone else, and the housekeeping is beyond the control of the applicant, the Eligibility Staff / Property Manager must not deny admission to the applicant. The Eligibility Staff / Property Manager should evaluate only living quarters over which the applicant has no control.

Entrances, pathways, exits, emergency exits, and building systems must never be blocked by tenant belongings.

**Residency Requirements**

At the time of residency, applicants must pay a security deposit that is deposited into an interest bearing account at the current established rate. Upon signing the lease, the applicant is agreeing to abide by the rules of the lease as well as the House. They also agree to the rules and regulations associated with receiving assistance from HUD. Resident leases are for one year. Four months prior to lease expiration, tenants will be notified of their obligation to recertify with the Property Manager. Failure to do so will result in the loss of subsidy causing the resident to pay full market rate on the apartment. An annual apartment inspection will be part of the recertification process. Failure at this inspection could result in termination of subsidy and / or eviction. Management reserves the right to conduct more frequent inspections if needed.

Residents who receive a subsidy and are absent from their apartment for more than 4 months (120 days) due to medical reasons will go to market rate rent on the 5<sup>th</sup> month from the date the resident was initially admitted to a medical facility. Residents may appeal the change in rent by writing the Director of Housing Services who may grant an exception. Exceptions will be granted on a case-by-case basis.

EIV (Enterprise Income Verification) is used at Nellie Bechtel Apartments by the Eligibility Staff / Property Manager. This person has been specifically trained and is an authorized user of this system which authenticates applicant and resident incomes through Social Security. Additionally, it checks if an applicant is already receiving a federal housing subsidy. Information is gathered using EIV during the initial application process as well as during re-certifications and possibly during an interim recertification if necessary. Any printouts obtained using EIV will be maintained in tenant file for the term of the tenancy plus three years.

### **Violence Against Women Act:**

HUD Notice #09-15 pertains to The Violence Against Women Act of 2005 (VAWA) which prohibits project-based Section 8 owners from denying admission to any person simply because she/he has been a victim of domestic violence, or stalking. Domestic violence, dating violence, or stalking is not good cause for evicting the victim of that violence. Under VAWA an owner can only evict an individual based on the domestic violence against his/her if it can prove there is an "actual and eminent threat" to other tenants or staff if s/he is not evicted.

The Violence Against Women and Justice Department Reauthorization Act of 2005 protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. These provisions apply both to public housing agencies administering public housing and Section 8 programs and to owners renting to families under Section 8 rental assistance programs.

In general, the law provides in part that criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The law also provides that 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 by the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

### **EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

#### **Emergency Transfers**

**GJHA** is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), GJHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of GJHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether GJHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy. This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the National Housing Trust Fund (HTF) and the Low-Income Housing Tax Credit (LIHTC) programs are in compliance with VAWA.

### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR Part 5, subpart L is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer. A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to **3032 N. 15<sup>th</sup> Street, Grand Junction, CO 81506, phone number 970-245-1712**. GJHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1) A statement expressing that the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under GJHA's program;

OR

2) A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

GJHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives GJHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under VAWA for all tenants for more information about GJHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

GJHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. GJHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. If GJHA has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, GJHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

## Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resourcecenter>

For help regarding sexual assault, you may contact **Latimer House** at 970-241-6704.

Victims of stalking seeking help may contact **Latimer House** at 970-241-6704.

## No-Smoking Policy

Smoking shall be prohibited in all areas inside the buildings on the Nellie Bechtel Apartments property including individual living units and all common areas such as hallways, stairways, elevators, restrooms, and laundry rooms. Outside smoking shall be permitted only on individual patios and in specifically designated areas marked with signage. Smoking shall be prohibited in all other outside areas of the properties, including parking lots, yards, all common areas, entry ways, playground areas, and openings to the building (i.e., windows and doors).

## Live-In Aid

The definition of a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family unless they are an adult child and is needed for essential care of the family member. They are not entitled to occupancy as the remaining member of the tenant family.

Live-in aides are recommended but not required to be certified as a caregiver. Live-in aides will be subject to credit and criminal background checks at the resident's initial certification and annual recertification.

## Charges for Facilities and Services

Owners must not collect any money from tenants at initial occupancy other than rent and the maximum HUD-allowed security deposit and / or pet deposit, unless they receive HUD approval to do otherwise.

## Rent Payment

All rent is due on the 1st of each month; however, the tenant is allowed up to (5) days to pay his / her rent. The Property Manager may deduct accrued, unpaid late rent from the tenant's security deposit at the time of move-out if permissible under state and local Laws.

## **Pet Deposits**

All residents who own an approved pet must pay a Pet Deposit of \$300. The Pet Deposit is in addition to the standard rental security deposit. The Pet Deposit may be used, if necessary to cover the cost of damage caused by the pet, to board the pet, or to cover other expenses directly attributable to the presence of the pet.

The Pet Deposit shall be paid by an initial payment of \$50.00 with the balance paid at the rate of \$10.00 per month payable with your monthly rent. This deposit shall be maintained in a separate account as provided by State Law and HUD Regulations for the maintenance of the security deposit. Any damage to the apartment building, grounds, flooring, wall, trim finish, tiles, carpet, etc., will be the full responsibility of the pet owner and the pet owner shall agree to pay the costs involved in restoring any damage to its original condition as well as any costs required to de-flea and deodorize. If damage is such that it cannot be removed, pet owner agrees to pay the full cost and expense of replacing such materials. Tenants shall not make any permanent alterations to his / her apartment, patio, or any part of the premises to create an enclosure for the animal. The Property Manager shall further consult with HUD Handbook 4350.1 REV-1, Change 3 for additional rules and regulations relating to pet policies as updates occur.

A copy of our Pet Policy will be given to each resident who expresses interest in having a pet in his / her unit.

## **NSF Checks**

Per HUD rules and regulations, no additional fees will be levied against a resident whenever a check is returned for "Non-sufficient Funds", other than any fees incurred by Nellie Bechtel Apartments due to NSF check.

## **Damages**

Whenever damage is caused by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor, the tenant is obligated to reimburse the Owner for the damages within 30-days after the tenant receives a bill from the Property Manager.

The Property Manager may deduct accrued, unpaid damage charges from the tenant's security deposit at the time of move-out, if such a deduction is permitted under state and local laws.

The tenant cannot be charged more than the actual and reasonable costs incurred by the project for repairing the damages. Receipts will accompany all transactions.

Whenever damage is caused by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor, the tenant is obligated to reimburse the Owner for the damages within 30 days after the tenant receives a bill from the Owner.

The Owner's bill is limited to actual and reasonable costs incurred by the Owner for repairing the damages.

## **Key Loss / Replacement**

The Property Manager may charge a tenant to replace lost keys and for unreturned keys at the time of move-out the lost key charge as identified in the Maintenance Charge Schedule, available from the Property Manager.

## **Security Deposit Requirements**

The amount of the security deposit established at move-in does not change when a tenant's rent changes.

The tenant is expected to pay the security deposit from his / her own resources, and / or other public or private sources. The security deposit is refundable.

An applicant may be rejected if he / she does not have sufficient funds to pay the deposit.

HUD requires collection of a security deposit at the time of the initial lease execution. The required security amount is equal to the greater of \$50 or the TTP / Total Tenant Payment, from the HUD 50059 form.

At the time of the initial execution of the Lease, the Property Manager must collect a security deposit that equals the assessed first month's rent.

Security deposits provide the Owner with some financial protection if a tenant moves out of the unit and fails to fulfill his / her obligations under the lease.

### **Security Deposit Refunds**

In order to receive a refund of the security deposit, a tenant must provide the Property Manager with a forwarding address or arrange to pick up the refund, otherwise security deposit refunds will be sent to the tenants last known address via First Class Mail.

#### Timeliness:

Within 30-days after the move-out date the Property Manager shall either:

Refund the full security deposit plus accrued interest to a tenant that does not owe any amounts under the lease; or

Provide the tenant with an itemized list of any unpaid rent, damages to the unit, and the cost for repair, and / or cleaning the unit.

If the amount the Property Manager claims is less than the security deposit amount plus accrued interest, the Property Manager must refund the unused balance to the tenant.

If the Property Manager fails to provide the list to the tenant within 30 days the tenant is entitled to, a full refund of the tenant's security deposit plus accrued interest.

If a disagreement arises concerning the reimbursement of the security deposit to the tenant, the tenant has the right to present objections to the Property Manager in an informal meeting. The Managing Agent must keep a record of any disagreements and meetings in the tenant file for a period of five years for inspection by HUD Field Office or Contract Administrator. These procedures will not preclude the tenant from exercising any rights under state and local law.

If the security deposit is insufficient to reimburse the Owner for any unpaid or other amounts that the tenant owes under the lease, the Owner may be able to claim reimbursement from the HUD Field Office or Contract Administrator.

Any reimbursement from HUD received by the Owner must be applied first toward any unpaid tenant rent due under the lease. Additionally, no reimbursement may be claimed for unpaid rent for the period after termination of the tenancy.

### **Unit Inspections**

#### **Before Move-In:**

Before executing a lease, the Property Manager and tenant must jointly inspect the unit. After the Property Manager conducts a unit inspection, the inspection form must indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary and in good repair. If cleaning and repair is required, the Property Manager must specify on the inspection form the date by which the work will be completed. This date should not exceed 30-days after the effective date of the lease.

Both the Property Manager and the tenant must sign and date the inspection form. The inspection form must include the statement, "The unit is in decent, safe and sanitary condition".

The tenant has 5 days to report any additional deficiencies to the Property Manager to be noted on the move-in inspection form.

The move-in inspection form must be made part of the lease, as an attachment to the lease.

### **At Move-Out**

All tenants or their authorized representatives are encouraged to accompany the Property Manager on the move-out inspection. This will help resolve or any disagreements regarding damages to the unit.

If no one is available and the tenant is unable to participate, the Property Manager may do the inspection alone or with an accompanying staff. All keys and / or building access cards must be turned in at the end of the move-out process.

### **Annual Recertification Requirements**

The Property Manager will conduct Annual Re-certifications for all tenants starting November 1st of each year.

In order to be re-certified all tenants must meet with the Property Manager and supply all information requested regarding his / her income, assets, and expenses. Household members are also required to report other factors that may affect the determination of adjusted income. The rent and assistance payments will be recomputed, if applicable, based on the information gathered.

The tenant must sign consent forms, and the Property Manager must obtain third-party Verification of the following items and document them in the tenant file (or document why third-party verification was unavailable). (See HUD Handbook 4350.3 REV-1, Change 3, Chapter 5, Section 3, for more information about verification of income.)

Examples of information required:

- Social Security Benefits / Pension (Income);
- Bank Accounts / Real Estate Property (Assets); and
- Medical Payments / Prescription Drugs (Expenses related to allowable medical deductions)

The Property Manager shall provide the tenant with a copy of the HUD fact sheet describing how the tenant's rent is calculated. Fact Sheets are included in Appendix 14 of HUD Handbook 4350.3.

### **Interim Recertification Reporting Policies**

The Property Manager shall process an Interim Re-certification if there has been a change (s) since the last re-certification that may affect the TTP or tenant rent and assistance payment for the tenant. To ensure that assisted tenants pay rents commensurate with their ability to pay, tenants must supply information requested by the Owner or HUD for use in an interim recertification of family income and composition in accordance with HUD requirements. All tenants must notify the Owner when:

- A family member moves out of the unit;
- The family proposes to move a new member into the unit.

At a minimum, Management will apply screening criteria for criminal activity, drug related criminal activity, and sex offender registration to persons proposed to be added to the household, including live-in aides.

An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment; or

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

The Property Manager shall process the recertification of family income and family composition with a reasonable time, which is only the amount of time needed to verify the information provided by the tenant. Generally, this should not exceed 4 weeks.

Tenants may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant.

Changes a tenant may report include the following but are not limited to:

- Loss of employment;
- Reduction in numbers of hours worked by an employed family member; or
- And loss or reduction of welfare income.

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

The decrease was caused by a deliberate action of the tenant to avoid paying rent.

The Property Manager has a confirmation that the decrease in income will last less than one month. For example, the tenant's employer verifies in writing that the tenant will be laid off for only two weeks. If the Property Manager determines that the decrease in income will last less than one month, the Property Manager may choose, but is not obligated to process an interim recertification.

The Property Manager must, however, implement this policy consistently for all tenants who experience a reduction in income that will last for less than one month.

The Property Manager shall refer to HUD's 4350.3 Handbook for additional HUD requirements on interim recertifications. Revised copies shall be made available to all waiting list applicants on the property's website.

### **Changes in Family Composition**

If the qualifying person leaves the unit, determine whether the remaining member of the household is eligible to receive assistance.

### **Extended Absence From Unit**

Tenants may not be absent from their apartment for longer than 60 continuous days, or in the case of medical reasons, for longer than 120 continuous days. Cases with unusual extenuating circumstances that require a longer term of continuous absence must be presented in writing to the Director of Housing Services for consideration. In these cases, the determination of the Director will be final.

### **Implementation of House Rule Changes**

- House rules are listed in the lease as an attachment and must be attached to the lease.
- The Property Manager shall provide tenants with a notice of House Rules Changes at least 60 days prior to the effective date of the proposed changes.
- The Property manager shall include a copy of the addendum revising the existing lease agreement to include the new House Rules. A letter shall be included stating that the tenant can either accept the modification or move, but that response is due within 30 days.

## **Tenant Selection Plan**

The Management shall review and / or update the TSP at least annually to ensure that it reflects current operating practices, program priorities and HUD requirements. Nellie Bechtel Apartments shall make copies of the TSP available to the public, including applicants and residents of the Development, upon request.

### **Policies for Notifying Applicants of Changes in the Tenant Selection Plan**

- A copy of the TSP shall be made available on the Project's website and The Grand Junction Housing Authority's Main Office at 8 Foresight Circle.

### **Changes in the Tenant Selection Plan**

It is the responsibility of Management of Nellie Bechtel Apartments to review its TSP on an annual basis to ensure it is in compliance with the plan and HUD regulations.