

**ROBERT LINDSEY TOWER**  
**TENANT SELECTION PLAN**

**Effective:** May 15, 2017



**ROBERT LINDSEY TOWER APARTMENTS  
TENANT SELECTION PLAN**

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## **SECTION I – MARKETING**

### Statement of Non-Discrimination

See Exhibit 2.

### Affirmative Marketing Practices

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

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

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

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

Revised AFHMPs will be submitted to HUD for approval.

The HUD approved AFHMP will be posted in the leasing offices as well as at the project.

### Opening and Closing the Waiting List

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

### Closing the Waiting List

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

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

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

### Re-opening the Waiting List

When SHA decides to accept applications again, SHA will publish a notice in

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

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

## **SECTION 2 - WAITING LIST REQUESTS (PRE-APPLICATIONS) AND VERIFICATION OF INCOME**

Receipt of applications and verifications of income will be completed in accordance with HUD's handbook 4350.3 Rev. 1 Change 4; OHCS LIHTC Compliance Manual and Exhibit 3, Acceptable Forms of Verification.

### Applicant Requests to be placed on Waiting List

Families may request to have their name placed on the waiting list(s) in the following manner:

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

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

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

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

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

For placement on the waiting list, the head of household; spouse; co-head or sole member must be age 62 or older.

### Waiting List Priority

#### Selection of Tenants

Selection will be made according to the type of unit to be filled (see Section 2) and tenants will be selected in the following order:

- 1) Emergency transfers resulting from a VAWA transfer request (see VAWA Emergency Transfer Plan below).
- 2) Approved transfers resulting from a reasonable accommodation request (see reasonable accommodations below).
- 3) Date and time order of application to the waiting list; with oldest dated application being the first notified.

All other tenants who request to move for reasons other than for an approved emergency VAWA transfer or a reasonable accommodation will be notified that they must reapply to the waiting list and will be considered for a unit transfer when their name comes to the top of the waiting list.

Applicants who reject the offer of one unit for which they are eligible will be notified that their name will be removed from the active waiting list and the applicant will be notified of the need to submit a new application for placement on the waiting list.

#### VAWA Emergency Transfer Plan

##### *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 SHA's management office and submit a written request for a transfer. SHA 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 that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under SHA'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*

SHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives SHA 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 the Violence Against Women Act For All Tenants for more information about SHA'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*

SHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. SHA 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. SHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If SHA has no safe and available units for which a tenant who needs an emergency is eligible, SHA 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, SHA 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.

### Handicapped Accessible Units

If the vacant unit is handicapped accessible, it will first be offered to tenants who have an approved reasonable accommodation for the need for an accessible unit.

If there are no current tenants with an approved reasonable accommodation for an

accessible unit; the unit will then be offered to applicants on the waiting list, who indicated and can verify a need for an accessible unit; with applicants being considered in date and time order of their waiting list date; with the oldest date being considered first.

If there are no current applicants who indicated and then were able to verify the need for the features of the accessible unit; the unit will be offered to an applicant not having handicaps requiring the accessibility features of the vacant unit; however the tenant will be notified prior to move-in that if the need for an accessible unit arises; SHA may require that the applicant move, at their own expense, to an available non-accessible unit in order to offer the accessible unit to a tenant or an applicant who requires the features of the unit.

### Removing Names from the Waiting List

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

Applicant names will be removed from the waiting list when:

- The applicant no longer meets the eligibility requirements for the property or program;
- The applicant fails to respond to written notices such as notices for eligibility interview, or updating applicant information);
- The applicant is offered and rejects one unit in the property; and/or
- Mail sent to the applicant's last known address is returned as undeliverable.

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

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

### Reinstating Applicants to the Waiting List

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

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

## **SECTION 3 – APPLICATIONS, DETERMINING ELIGIBILITY, AND SELECTING TENANTS**

### Applications

SHA shall maintain a separate waiting list for ROBERT LINDSEY TOWER. Applications shall be accepted in accordance with this Tenant Selection Plan; OHCS LIHTC Compliance Manual and HUD Handbook 4350.3 Revision 1, Change 4.

### Determining Project Eligibility

To be eligible for placement on the waiting list the Head of Household; Spouse; co-head and/or sole member must be age 62 or older.

### Applicant Interviews

Per HUD Handbook 4350.3 Rev 1 Change 4, Chapter 4, Section 4, when an appropriate unit is anticipated to be available, SHA must interview the applicant that is next in line to be considered for placement, based on their request to be placed on the waiting list (preliminary application); and is required to obtain current information about the family's circumstances (i.e., family composition, income, assets, and allowable expenses by completing a full application and conducting an eligibility interview.

At the interview, SHA must:

1. Confirm and update all information provided on the application/certification (full application) which is then compared to the pre-application (Request to be Placed on the Waiting List) that was submitted, and confirm and update the information.
2. Explain program requirements, including use of the information contained in the EIV system, 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.
3. Obtain family income and composition information and other data needed to verify eligibility and compute the tenant's share of the rent
4. Review the financial information on the application and specifically ask the applicant(s) whether any member of the household:
  - a. Receives any of the types of income listed in the HUD Handbook 4350.3 Rev 1 Change 4, Chapter 5, Section 1 (e.g., self-employment income, unemployment compensation, income maintenance payments). If it appears likely that an applicant is receiving a form of income not reported on the application, SHA must ask the applicant about that source of income and document the applicant's response in the file;
  - b. If the household has any assets (per HUD Handbook 4350.3 Rev 1 Change 4, Chapter 5); and

- c. If the household has any allowed expenses (per HUD Handbook 4350.3 Rev 1 Change 4, Chapter 5).
5. Ask the head of household, spouse, or co-head, and household members age 18 and over to sign the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 and 9887-A) and any other necessary verification requests.
6. Obtain declaration of citizenship and verification consent forms for verification from all household members as appropriate.
7. Inform the applicant of the screening requirements used by SHA, including use of the Existing Tenant Search in EIV for determining if the applicant, or a member of the applicant's family, is receiving HUD's rental assistance at another location. If the owner performs screening activities, a consent to check landlord or credit history should also be obtained.
8. Require the head of household, spouse, or co-head to give a written certification 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 certification/recertification. The certification must include a list of all assets disposed of for less than fair market value, the dates disposed of, the amount received, and the asset's market value at the time of disposition.
9. Require disclosure and verification of SSNs for all household members, except those who do not contend eligible immigration status, and tenants age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010, and provide verification of the complete and accurate SSN assigned to them per HUD Handbook 4350.3 Rev 1 Change 4 and per this Tenant Selection Plan.
10. Advise the family that HUD will compare the information supplied with information that federal, state, or local agencies have on the family's income and household composition. This will include the employment and income information received from SSA's and HHS' NDNH databases through HUD's Computer Matching Agreements with these agencies.
11. Tell the family that a final decision on eligibility cannot be made until all verifications are complete.
12. Provide each applicant household with a copy of the appropriate HUD fact sheet, which describes how the tenant's rent is calculated.
13. Provide each household with copies of the *EIV & You* and the *Resident Rights and Responsibilities* brochures.
14. Inform the family that federal laws prohibit the owner from discrimination against individuals with disabilities.
15. Inform all applications of housing for the elderly or disabled about the rules on owning pets.
16. Obtain other necessary information pursuant to HUD Forms 9887 and 9887A to determine initial and ongoing eligibility and rent.

#### Initial Income Eligibility Requirements:

Applicants must have incomes below the actual 60% LIHTC area median income limit that is in effect at time of move-in. There is no minimum income requirement.

## Income Limits

SHA will comply with federal regulations for the HUD and LIHTC programs and will implement changes to the income limits when published by HUD and/or OHCS.

When determining family size for establishing income eligibility, SHA will include all persons living in the unit except for the following:

- Live in Aids. See Section 22 for definition of Live-in Aide. A relative may be considered to be a live-in aide/attendant, but they will meet the requirement defined in Section 22. The live-in aide qualifies for occupancy only as long as the individual needing supportive services requires the aides services and remains a tenant, and the aide may not qualify for continued occupancy as a remaining family member.
- Guests. See Section 22 for definition of guests.
- Parent(s). Income of parent(s) must be counted if it is determined that a full or part time student who is under the age of 24, not a veteran, unmarried and who is not independent from their parent(s).
- Tenant households requesting to add an adult family member to the household in the first six- months of their lease, must be able to verify that they continue to meet the applicable income limit. Those who are unable to verify that they meet the applicable income limit will be notified that the adult family member may not be able to reside in the unit.

## Family Size in Determining Income Eligibility

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

- Children temporarily absent due to placement in a foster home;
- Children in joint custody arrangements who are present in the household at least 50% or more of the time;
- Children who are away at school but who live with the family during school recesses;
- Children who are in the process of being adopted;
- Temporarily absent family members who are still considered family members. For example, a family member who is working in another state on assignment would be considered temporarily absent;
- Family members in the hospital or rehabilitation facility for periods of limited or fixed duration;
- Family members permanently confined to a hospital or nursing home if included by the family when determining family size for income limits.
- Parent(s) of full time or part time students who are unable to verify that they are independent from their parent(s).

## Determining Eligibility of Remaining Family Member

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

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

- The individual must be a party to the lease when the family member leaves the unit.
- The individual must be of legal contract age under the law.
- The remaining family member, based on the death of the family member, is eligible to remain in the unit, but must pay rent based on income and the remaining family member must be age 62 or older or verify to be a person with disabilities in order to qualify for allowances for medical expenses.
- If the remaining family member is a full or part time student under the age of 24, not a veteran, unmarried, and has no dependent children, they and their parent(s) must meet the income eligibility requirements in order to be eligible, even if the parents do not reside with the full or part time student, unless the student can show they meet the criteria for determining independence from their parent(s). If unable to verify that they meet these criteria, they will be given proper notice that their Section 8 assistance has been terminated and they are required to pay the full contract rent.
- If the remaining family member is a full-time student and is unable to verify that they meet an exemption of student status; per this Section; they will no longer be eligible to reside in the unit and they must vacate the unit upon proper notice from SHA.
- If all household members on the original lease no longer occupy the unit, SHA must consider this a new household and the household must be verified to be meet the definition of family; be income qualified and treated as a new move-in.

## Income Targeting Requirements

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

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

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

actual 60% LIHTC median income limit.

#### Adding an Adult in the first six months

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

#### Student Eligibility (Section 8 Program)

SHA is required to determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8) and at the time of an interim recertification if one of the family reported changes is that a household member is enrolled as a student.

Section 8 assistance cannot be provided to any individual who:

Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and

- a. Is under the age of 24; and
- b. Is not married; and
- c. Is not a veteran of the United States Military; and
- d. Does not have a dependent child; and
- e. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 USC 1437a(b)(3)(E)) and was not receiving Section 8 assistance as of November 30, 2005. (See Definition E in HUD Handbook 4350.3 Rev. 1 Change 4, Figure 3-6); and
- f. Is not living with his or her parents who are receiving Section 8 assistance; and
- g. Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance. See paragraph 3-33 of HUD Handbook 4350.3 Rev. 1 Change 4 for verifying parent's eligibility.

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

- a. Be of legal contract age under state law;
- b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student;

- c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- d. Obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided.

### Student Eligibility (Low Income Housing Tax Credit Program)

Household cannot consist entirely of full time students unless they can verify the household meets an exemption.

### Student Definition

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

Educational institutions include colleges, universities, trade, technical and mechanical schools, as well as elementary, junior and senior high schools.

### Exemptions of Student Status

If all tenants are full-time students, the applicants may still qualify for residency if one of the following exemptions applies:

- Students are married and entitled to file a joint federal income tax return. (A married couple who has not filed a joint tax return but is eligible to do so will still qualify, but will need to submit a copy of their marriage certificate; or
- The household consists of an independent single parent and his/her children, all of whom are not dependents of a third party other than the absent parent even if the children are listed as dependents on the absent parents tax return; or
- At least one household member is enrolled in and receiving assistance under the Workforce Investment Act (WIA-formerly the Job Training Partnership Act) or other similar programs operated under Federal, State

- or local laws; or
- At least one household member previously received Foster Care Assistance under part B or E of Title IV of the Social Security Act (H.R. 3221, effective 07/03/08 forward).

No “Grandfather” rights:

Student status is not subject to any “grandfather” clauses as are income limits. At no time during the lease, or any extension thereof, may the unit be occupied entirely by full-time students who are not otherwise exempt. If the household qualified at move-in but later was comprised of entirely full-time students and did not meet any of the defined exemptions, the household, at that point, no longer qualifies to occupy a unit that is designated as tax credit unit. All units in Robert Lindsey Tower are designated as Tax Credit units and all units also have Section 8 Project Based Assistance in the unit.

#### Disclosure of Social Security Number

All family members must disclose and provide verification of the complete and accurate SSN assigned to them by the Social Security Administration, regardless of age, excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status.

Applicants who are otherwise eligible but without a SSN may retain their place on the waiting list until obtaining a SSN.

Children less than 6 years of age may become participants without a SSN, as long as documentation of a SSN is received within 90 days; SHA must grant one 90-day extension for extenuating circumstances.

#### Exceptions to Disclosure of SSN for units designated as Section 8 Project Based

The SSN requirements do not apply to:

- Individuals who do not contend eligible immigration status.
- Mixed Families: Individuals who do not contend eligible immigration status are not subject to the requirement to disclose and provide verification of a SSN. SHA may not deny assistance to mixed families due to nondisclosure of a SSN by an individual who does not contend eligible immigration status. HUD regulations do not prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract.
- Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. The eligibility determination is based on participation in either a Public or

Indian Housing or Multifamily HUD assisted program. The eligibility date is based on the initial effective date of the form HUD-50059 or for HUD-50058, whichever is applicable.

- 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 his participation in a HUD assisted program.
- When determining the eligibility of an individual who meets the exception requirements for SSN disclosure and verification, documentation must be obtained from the owner/PHA of the property where the initial determination of eligibility was determined prior to January 31, 2010, that verifies the applicant's exemption status. This document must be retained in the tenant file. SHA may not accept a certification from the applicant stating they qualify for the exemption.

#### Example:

Mary Smith does not have a SSN. Mary does not have to disclose or provide verification of a SSN because she was 73 years old as of January 31, 2010, and her initial eligibility for HUD's rental assistance program was determined when she moved into Hillside Apartments on February 1, 2009 (initial eligibility was determined prior to January 31, 2010).

Mary moved out of Hillside Apartments on April 10, 2010 and moved in with her daughter who was not receiving HUD's rental assistance. Mary then applied to live at Englewood East, another HUD subsidized apartment complex, on November 5, 2010. Because Mary's initial eligibility was begun prior to January 31, 2010 (February 1, 2009), Mary is not required to meet the SSN disclosure and verification requirements as long as SHA can verify Mary's initial eligibility date at Hillside Apartments was begun prior to January 31, 2010.

Existing tenants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined their SSN to be valid by viewing the household's Summary Report or the Identity Verification Report in the EIV system.

#### Timeframe for providing Social Security Numbers

##### Applicants

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

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

## Tenants

All tenants, except those individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 1, 2010 (based on the effective date of the form HUD-50059 or form HUD-50058, whichever is applicable), and those individuals who do not content eligible immigration status, must disclosure and provide verification of their SSN at the time of their next interim or annual recertification if:

- They have not previously disclosed a SSN;
- Previously disclosed a SSN that HUD or the SSA determined was invalid; or
- Been issued a new SSN.

If a tenant fails to provide a valid and verified SSN, the household is subject to termination of tenancy in accordance with 24 CFR 5.218.

SSN Not Previously Disclosed. The head of household must bring SSN verification, per Section 6, to the recertification meeting for any household member who has not disclosed and provided verification of their SSN.

Invalid SSN Disclosed. The Head of Household will be notified when EIV pre-screening or the SSA validation determines that a household member has provided an invalid SSN. See Section 6 for information on the Failed EIV Pre-screening Report and the Failed Verification Report and Section 6 for acceptable SSN verification documentation.

Assignment of a new SSN. If a tenant or any member of a tenant's household is or has been assigned a new SSN, the tenant must provide the SSN and documentation to verify the SSN to SHA per Section 6:

- The time of receipt of the new SSN; or
- The next interim or regularly scheduled recertification.

### Adding a Household Member Age Six or Older

When a tenant requests to add a household member who is age six or older, the documentation of the SSN, per Section 6, must be provided to SHA at the time of the request or at the time the recertification that includes the new household member is processed. SHA cannot add the new household member until such time as documentation is provided.

### Adding a Household Member Under the Age of Six

With a SSN. When adding a household member who is a child under the age of six with a SSN, the child's SSN must be disclosed and verification provided at the time of processing the recertification of family composition that includes the new household

member.

Without a SSN. If the child does not have a SSN, SHA must give the household 90 days in which to provide documentation of a SSN for the child. An additional 90 day period will be granted by SHA if the failure to provide documentation of a SSN is due to circumstances that are outside of the control of the tenant. Examples include but are not limited to: delayed processing of SSN application by the SSA, natural disaster, fire, death in family etc. During this time period, the child will be included as part of the household and will receive all of the benefits of the program in which the tenant is involved including the dependent deduction.

At the time of the disclosure of the SSN, an interim recertification will be processed. If the SSN is not provided, the household is subject to penalties per Section 6.

### Applying for a SSN

An individual who has never been issued a SSN card or who has lost their SSN card may complete SSA form SS-5 - Application for a Social Security Card - to request an original or replacement SSN card, or to change information on his/her SSA record. This form is available online at [www.ssa.gov](http://www.ssa.gov) or can be obtained at the local SSA office. SHA will provide assistance in applying for a SSN to any applicant or tenant who requests it.

### Verification of SSN

(See Section 4 of this Tenant Selection Policy.)

### Required Documentation.

See Exhibit 3 and Section 4 of this Tenant Selection Policy for a list of acceptable documentation.

### Forms Requiring Signature

All family members age 18 or older are required to sign an Authorization for Release of Information (HUD forms 9887; 9887 A and all other release forms requested to be signed by SHA) prior to receiving assistance and annually thereafter. If the applicant or tenant, or any adult member of the applicant, or tenants, family does not sign and submit the consent forms as required, SHA will deny assistance and admission to the applicant; or SHA will terminate assistance to the tenant.

All household members age 18 and above are required to sign the 50059, application, applicant/ tenant questionnaire, release forms, TIC, student certification/verification form(s) and lease agreement. Refusal to sign any of the forms that SHA states are required will be grounds for denial of and/or termination of assistance.

Tenants who turn age 18 between annual recertifications, must sign the consent form at the next scheduled annual and/or interim recertification. If the tenant fails to sign the

consent form(s) and/or any other SHA required form, the household is in non-compliance with their lease and assistance to, and the tenancy of, the household may be terminated per 24 CFR 5.232.

Refusal to sign any of the required forms, by any household member age 18 and above, will be grounds for denial of and/or termination of assistance and/or the lease agreement.

### Other Requirements

- The unit for which the family is applying will be the family's only residence.
- The applicants must agree to pay the rent required by the program under which the applicant will receive assistance.
- Applicants claiming disability or handicap, including those who receive Social Security Income (SSI) benefits, must provide verification in a format required by SHA, that the disability and/or handicap meets program eligibility requirements.
- All household members age 18 and above will be required to provide: Picture identification, which may include, but is not limited to a drivers license, motor vehicle identification card, passport, military identification card, or employment identification.
- All family members under the age of 18 will be required to provide: Forms of identification including, but not limited to, birth certificate, valid/assigned social security number, school records, ASB card, or school report card.
- Applicants and/or tenants who are in the first 6 months of their lease who state that he/she is married but is estranged from or in the process of a separation from his/her spouse, must complete an estrangement/separation certification in order to prove that the spouse will not be residing in the unit.
- Non-smoking - Smoking is prohibited in any area other than smoking areas established and designated by SHA. This policy applies to all residents, guests, visitors, service personnel and employees. For more details see House Rules.
- The applicant will agree to pay the rent required by the program under which the applicant will receive assistance.
- Only U.S. citizens or eligible non-citizens may receive assistance under the Section 8 Project based program.
- All applicants/participants are required to provide proof of age per Exhibit 3.

### References

In establishing eligibility, the Housing Authority shall consider whether the conduct of the applicant in present or prior housing has been such as would not be likely to interfere with other tenants in a manner that would materially diminish their enjoyment of the premises by adversely affecting their health, safety or welfare, or to affect adversely the

physical environment or the financial stability of the project if the applicant were admitted to the project. Relevant information respecting habits or practices to be considered may include, but is not limited to:

- An applicant's past performance in meeting financial obligations especially rent;
- A record of disturbance of neighbors, destruction of property or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants;
- A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants; and/or
- An applicant's history, or pattern, of alcohol abuse, to the extent that such abuse adversely affected or may affect the health, safety or welfare of other tenants.

#### Applicants Owing Money to SHA

Applicants that owe money to SHA or any other PHA, owner, or manager in connection with any assisted housing program may apply for assistance and be placed on the waiting list; however all money owed must be paid in full or be current with an agreed upon payment agreement, in order to receiving any form of assistance.

If an applicant's name comes to the top of the waiting list and it is determined that they owe money to SHA or any other PHA owner, or manager they will be notified of the amount owing and will be given ten (10) calendar days from the date of notification to make payment in full or provide proof of being current with an agreed upon payment agreement. If payment is not made in full or if the payment agreement is not current, the applicant's name will be removed from the waiting list.

#### Denial of Eligibility

No family member who has committed any fraud in connection with a federally assisted housing program may be admitted.

#### Criminal Activity

When applicant initially applies for housing assistance (Waiting List Request), and when final eligibility is being determined (Long Application), landlord shall conduct a search of public records to determine whether the applicant or any proposed tenant has engaged in criminal activity subject to denial. Denial or termination of assistance for criminal activity will be based on a preponderance of the evidence that the applicant, tenant,

other household member, or guest actually engaged in criminal activity. Convictions will be given more weight than arrests in determining whether criminal activity actually happened.

Activity Subject to Denial/Termination:

<b>Violation</b>	<b>Waiting Period Before Assistance Can Begin</b>
Evicted from federally assisted housing for drug-related criminal activity	3 years, unless SHA can verify completion of a supervised drug rehabilitation program, or the person who committed the crime is no longer living in the household
Illegal drug use	6 months
Current use or pattern of use of illegal drugs or abuse of alcohol that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents	Ineligible. SHA will consider all credible evidence, including record of convictions, arrests, evictions for illegal drugs or abuse of alcohol. A conviction will be given more weight than an arrest. SHA will consider evidence from treatment providers or community based organizations providing services to household members.
Manufacture of methamphetamine	Lifetime denial, regardless of location of production
Lifetime registration under a state sex offender registry	Lifetime denial
Manufacture, sale, distribution, or possession with intent to manufacture, sell, or distribute any illegal drug	5 years, except for manufacture of methamphetamine (lifetime denial) and manufacture, sale, distribution, or possession of marijuana (18 months)
Manufacture, sale, distribution, or possession with intent to manufacture, sell, or distribute marijuana	18 months
Illegal use of a drug, or possession with intent to use an illegal drug	3 years, except for marijuana (18 months)
Use or possession of marijuana	18 months
Violent criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage, including: <i>Armed Robbery, Robbery, Arson I, Assault I &amp; II, Assault of a Public Safety Officer, Murder, Aggravated Murder, Attempted Murder, Sexual Assault, Domestic Violence without a Certificate</i>	5 years
Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity, including: <i>Burglary I or II, Kidnapping, Manslaughter</i>	3 years
Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of SHA (including a SHA employee or a SHA contractor, subcontractor, or agent), including: <i>Identity Theft</i>	3 years
Threatening or violent behavior against an SHA employee, contractor, subcontractor, or agent	Lifetime denial

The number of years that a family or individual is ineligible is based on the criteria set above and is not cumulative. For example, someone convicted of Burglary I and Kidnapping would be ineligible for 3 years from the most recent incident date, not 6.

Tenant/applicant shall provide, upon request, proof of criminal activity-free record from Salem Police Department.

#### Additional Denial and/or Termination of Assistance and/or Tenancy Factors

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

Assistance shall not be provided to any individual who is:

- Is enrolled as a student at an institution of higher education;
- Is under the age of 24;
- Is not a veteran of the United States military;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in section 3(b)(3)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such Section 8 as of November 30, 2005; and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible to receive Section 8 assistance based on income.
- Part 327 (b) applies to all individuals enrolled as students at an institution of higher education unless the student is living with his or her parents who are applying for or receiving Section 8 assistance or is a person over the age of 23 with dependent children.
- Financial assistance in excess of amounts received for tuition that an individual receives under the Higher Education Act of 1965, from private sources or from an institution of higher education is considered income for that individual, except for persons over the age of 23 with dependent children.
- SHA may not deny admission to an applicant (male or female) who has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant otherwise qualifies for admission; however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence, sexual assault, or stalking may be denied.
- If any applicant family member is unable to provide acceptable verification documents of an assigned SSN per IV.B.4. and Section 6
- An applicant or participant household has provided incomplete, inaccurate or false information.
- Applicants or tenant households whose household consists entirely of full time students who do not meet an exception per Section 2.
- An application fails to disclose a criminal activity for any household member on the application, and public record indicates otherwise.
- Co-signers will not be allowed.

## Verifying Citizenship/ Eligible Immigrant Status

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

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

Non-citizens with eligible immigration status (exception: those age 62 and older) must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. SHA verifies the status through the Department of Homeland Security (DHS). If the primary verification fails to verify status, SHA must request within ten days that DHS conduct a manual search. Ineligible family members who do not claim to be citizens, nationals or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible for assistance, as are any non-citizen family members living with the student. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

A mixed family (i.e. a family with one or more ineligible family members and one or more eligible family members) may receive prorated assistance.

## Failure to Provide Verification

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

## Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination prior to move-in. For participants, it is done at the first regular recertification after June

19, 1995. For family members added after other members have been verified, the verification occurs at the first regular or interim rectification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated.

### Extensions of Time to Provide Documents

If the applicant cannot supply the documentation within SHA's specified timeframe, SHA may grant 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, SHA may establish a shorter extension period based on the circumstances of the individual case.

SHA 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, SHA will state the reasons for the denial in the written response. When granting or rejecting extensions, SHA will treat all applicants consistently.

### Change in Status

If the status of a family member, in a mixed family, changes from ineligible to eligible, the family may request an interim (See Section 9).

### Required Documentation of Citizenship/Immigration Status

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

- A signed declaration of citizenship from U.S. citizens.
- A signed declaration of eligible non-citizen status and proof of age from non-citizens 62 years and older.
- For non-citizens under the age of 62 claiming eligible status:
  - A signed declaration of eligible immigration status;
  - A signed consent form; and
  - Any of the DHS-approved documents listed below:
    - Form 1-551, Alien Registration Receipt Card (for permanent resident aliens).
    - Form 1-94, Arrival-Departure Record annotated with one of the following:
      - "Admitted as a Refugee Pursuant to Section 207";
      - "Section 208" or "Asylum";

- "Section 243(h)" or "Deportation stayed by Attorney General"; or
- "Paroled Pursuant to Section 212(d)(5) of the INA."
- Form 1-94, Arrival-Departure Record (with no annotation) accompanied by one of the following:
  - A final court decision granting asylum (but only if no appeal is taken);
  - A letter from DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application was filed before October 1, 1990);
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- Form I-688, Temporary Resident Card annotated "Section 245A" or "Section 210."
- Form I-668B, Employment Authorization Card annotated "Provision of Law 274a.12(11)" or "Provision of Law 274a.12."
- A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified.
- Form 1-151, Alien Registration Receipt Card.
- Other acceptable evidence. If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

Note: A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

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

#### Prohibition Against Delaying Assistance

SHA may not delay the family's assistance if the family submitted its immigration information in a timely manner but the DHS verification or appeals process has not been completed.

If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has submitted the required documentation in a timely manner, SHA will offer the family a unit and provide full assistance to the family while waiting for

the remaining verification/documentation.

SHA will continue to provide full assistance to such families until information establishing the immigration status of any remaining non-citizen family members has been received and verified.

Once SHA has determined the citizenship/immigration status of a family assisted prior to completion of the verification or appeal process, SHA will:

- Provide full assistance to a family that has established the eligibility of all its members;
- Offer continued prorated assistance to a mixed family.

### Verifying Immigration Status

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

### Primary Verification

SHA will conduct primary verification of eligible immigration status only for the person claiming eligible immigration status.

SHA will conduct primary verification through the SAVE ASVI data base, DHS automated system.

After accessing the ASIV database, SHA enters the required data fields. The personal computer system will display one of the following messages for immigration status confirmation on the screen:

- Lawful Permanent Resident
- Temporary Resident
- Conditional Resident
- Asylee
- Refugee
- Cuban/Haitian Entrant

- Conditional Entrant

### Secondary Verification

If the message "institute secondary verification" is displayed on the screen, the manual verification process must be used. Within 10 days of SHA receiving an "institute secondary verification" response, SHA will prepare DHS form G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the properties jurisdiction.

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

### Appealing Denial

SHA must notify the family in writing as soon as possible if the secondary verification process returns a negative result. The family has 30 days from the receipt of the notice to choose which option to follow. The family may appeal SHA's decision directly to the DHS and must send a copy of the appeal directly to SHA. The DHS should respond to the appeal within 30 days.

If the DHS decision results in a positive determination of eligibility, SHA can provide the family with housing assistance.

If the DHS decision results in a negative determination of eligibility, the family has 30 days to request a hearing with SHA.

### Mixed Families

A mixed family is one whose members include citizens and eligible immigrants as well as non-citizens without eligible immigration status. Mixed families that were in occupancy and received full assistance prior to the verification of citizenship/immigration status may be eligible for one of three types of assistance:

- Continued assistance if the family was receiving assistance prior to June 19, 1995; or
- Prorated assistance. Applicant families that are mixed are eligible only for prorated assistance.

### Continued Assistance

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

- The family head, spouse or co-head was a citizen or had eligible immigration status; and
- The family only included members with eligible immigration status: head, spouse, parents of the head of household, parents of the spouse, or children of the head or spouse.

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

If after November 29, 1996, anyone is added to a family, including a head of household, spouse, parents of the head of household or spouse, or children of the head of household or spouse, the family is not eligible for continued assistance at the full level, but may receive prorated assistance.

### Prorated Assistance

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

### Section 8 Prorated Assistance

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

### Prohibition of Assistance to Non-citizen Students

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

A non-citizen student is defined as:

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

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

False or Incomplete Information

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

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

Reasonable Accommodation

Reasonable accommodation applies to all units, and SHA pays for costs associated with providing the reasonable accommodation, when the reasonable accommodation request has been verified and approved; unless the accommodation is found to be a financial and administrative burden on the Agency.

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

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

Reasonable accommodations include, for example, those that are necessary for a person with a disability to use and enjoy a dwelling. To show that a requested

accommodation may be necessary, there will be an identifiable relationship between the requested accommodation and the individual's disability.

### Key Principles

When a family member requires accessible features, policy modification, or other reasonable accommodation for a disability, SHA will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the provider's operation.

If providing such accommodations would result in an undue financial and administrative burden, SHA will take any other action that does not result in an undue burden.

If SHA refuses a requested accommodation because it is not reasonable, the provider should engage in an interactive dialogue with the requester to determine if there is an alternative accommodation that would adequately address the requester's disability-related needs. If an alternative accommodation would meet the individual's needs and is reasonable, the provider will grant it.

According to Section 504 and the Fair Housing Act, a tenant or participant is requesting a reasonable accommodation when requesting an exception, change, or adjustment to a rule, policy, practice, service, or physical structure because of disability. A request can be made by the person with the disability, a family member or someone else acting on the individual's behalf.

All requests for reasonable accommodation will be in writing. If the individual with a disability requests assistance with writing a reasonable accommodation request, SHA will assist the individual with the request.

SHA will provide prompt responses to reasonable accommodation requests.

### Property Operations

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

### Physical Alterations

SHA will make and pay for structural modifications to dwelling units and common areas needed to provide a reasonable accommodation requested by a tenant or applicant with a disability, subject to the specifications set out in HUD handbook 4350.3 Rev. 1 Change 4, Chapter 2, Section 3.

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

### Limits

Fundamental alteration. SHA is not required to take any action that would result in a fundamental alteration in the nature of the program. A fundamental alteration is a change so significant that it alters the essential nature of SHA's operation.

Undue Financial and Administrative Burden. The determination of undue financial and administrative burden will be made on a case-by-case basis, involving various factors such as the cost of the reasonable accommodation, the financial resources of the provider, the benefits the accommodation would provide to the requester, and the availability of alternative accommodations that would adequately meet the requesters disability related need.

SHA is not required to make structural changes that would impose an undue financial and administrative burden, even if alternatives to making housing programs and activities readily accessible to and usable by persons with disabilities are not effective.

When a request for a reasonable accommodation will result in an undue financial and administrative burden, SHA will provide all other needed accommodations up to the point at which further accommodations would result in an undue financial and administrative burden.

### Assistance Animals

Assistance animals are not considered pets. Assistance animals work, provide assistance, or perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals, often referred to as "service animals," "assistance animals," "support animals," or "therapy animals," perform many disability-related functions. These include, but are not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities.

SHA will not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some animals are trained by the owners themselves and, in some cases, no special training is required. An animal that performs the disability-related assistance or provides the disability-related benefit by the person with the disability meets the definition of an assistance animal.

SHA's refusal to permit a person with a disability to use and live with an assistance animal violates Section 504 of the Rehabilitation Act and the Fair Housing Act unless:

- The animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation;
- The animal would cause substantial physical damage to the property of others;
- The presence of the assistance animal would pose an undue financial and administrative burden to SHA; or
- The presence of the assistance animal would fundamentally alter the nature of SHA's services.

The fact that a person has a disability does not automatically entitle him or her to an assistance animal. There will be a relationship between the person's disability and his or her need for the animal.

SHA will not require an applicant or tenant to pay a fee or a security deposit as a condition of allowing the applicant or tenant to keep an assistance animal. However, if the individual's assistance animal causes damage to the unit or the common areas of the dwelling, SHA may charge the individual for the cost of repairing the damage.

No unaccompanied assistance animal may be tethered or leashed outside a unit at any time.

#### Tenant Modification of Unit

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

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

The interest of such an account will accrue to the benefit of the tenant.

- SHA may approve unit modifications if the tenant provides reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

## SECTION 4 – ACCEPTABLE FORMS OF VERIFICATION

SHA is required to verify key factors listed below that pertain to eligibility per HUD Handbook 4350.3 Rev. 1 Change 4 and the OHCS LIHTC Compliance Manual. Key factors requiring verification are:

- Age
- Alimony or Child Support
- Assets and asset income
  - All assets regardless of amount will be verified by third party sources.
  - When total assets are valued at \$5000 or more; the imputed rate for the 50058 will be calculated at .2%; and the imputed rate for the TIC will be calculated at 2%.
  - Assets disposed of for less than fair market value
- Auxiliary apparatus
- Care attendant for disabled family members
- Child care expenses (including verification that a family member who has been relieved of child care is working, attending school or looking for employment)
- Citizenship and/or those claiming eligible immigration status
- Current net family assets
- Disability status
- Dividend Income and savings account interest income
- Employment Income including tips, gratuities, overtime
- Estrangement or Separation
- Family Composition
- Family type (information verified only to determine eligibility for project, preferences and allowances)
- Full-time student status
- Payments of benefits for income other than wages, including but not limited to welfare (i.e. TANF) and social security
- Supplemental Security Income (SSI), disability income, social security
- Interest from sale of real property, including but not limited to contract for deed, installment and sales contract
- Medical expenses (unreimbursed)
- Need for assistance animal
- Net income from a business
- Pregnancy (unborn child may be included in the household composition in order to qualify for the unit) (Self certification only)
- Recurring contributions and gifts
- Self-employment, tips, gratuities
- Student status (full and/or part time)
- Unborn children
- Unemployment compensation
- Zero income

Note: For new admissions, SHA will use the SSA benefit or award letter provided by the applicant (including the COLA adjustment) if the letter is dated within 120 days from the date requested otherwise the applicant will be requested to obtain a new award letter and/or printout from the SSA.

For Annual and/or Interim Recertifications; for the LIHTC program, SHA will obtain a SSA benefit or award letter provided by the tenant (including the COLA adjustment) if the letter is dated within 120 days from the date requested and for the Section 8 PBRA program, SHA will use the information provided via HUD's EIV system, which SHA obtains each month based on the tenants recertification month. Note – the EIV printout cannot be used for the LIHTC program.

For the Section 8 PBRA program, when SHA reviews the amount of SS benefits on the EIV income report, SHA will use the amount on the EIV income report to calculate SSA benefit income, unless the tenant disputes the amount of the benefit.

If the tenant disputes the amount of the benefits on the EIV report, the tenant will be required to provide a copy of an original award letter dated within 120 days from the date of receipt by the owner verifying the amount of benefit that the client is stating they receive in order for SHA to use a benefit amount different than on the EIV Income Report.

For the LIHTC program, SHA will ask the applicant and/or tenant for a copy of their award letter, which must be dated within 120 days from the date requested; and that document will be used to calculate SS income for the LIHTC program.

For both the Section 8 PBRA and LIHTC programs, SHA will include the annual cost of living adjustment in all social security benefit calculations once known and will apply the adjustment to the award letter (for the LIHTC program and to the Section 8 PBRA program for new admissions only) and to the EIV report (for current tenants); until such time that the benefit award letters and EIV printouts benefit amounts clearly indicate they include the applicable COLA.

The SSA cost of living adjustments (COLA's) are not available from SSA for uploading into EIV until the end of each calendar year. When processing recertifications for January 1, February 1, March 1 and April 1, in order to be compliant with HUD Handbook 4350.3 Rev. 1 Change 4, and provide the tenant with the required 30-day notice of any increase in rent, SHA must use one of the following methods below for determining the tenants income for the Section 8 PBRA program:

- Use the benefit information reported in EIV that does not include the COLA as third party verification as long as the tenant confirms that the income data in EIV is what he/she is receiving;
- Use the SSA benefit or award letter or Proof of Income Letter provided by the tenant that includes the COLA adjustment if the date of the letter is within 120 days from the date of receipt by the owner;
- Determine if the tenant's income by applying the COLA increase

- percentage to the current verified benefit amount and document the tenant file with how the tenant's income was determined; or
- Request third party verification directly from SSA when the income in EIV does not agree with the income the tenant reports he/she is receiving.

All recertifications effective after April 1 must reflect the SSA benefit that includes the COLA.

SHA will not send tenants to the SSA office if they do not have the above information. Instead, SHA will ask the tenant to request benefit information from SSA using SSA's website or toll-free number.

### Verification of Employment and Income

Note: All references to EIV in this Tenant Selection Plan are applicable to the Section 8 PBRA only.

SHA will use the EIV report to identify other sources of income, such as employment income however if the tenant(s) dispute the EIV information, however, SHA is required to send third party verifications to the source to use for calculating/anticipating employment income. Once the third party verification is received it will be used to calculate annual income for the Section 8 PBRA program.

For the LIHTC program, SHA will count the highest amount of income that could be received from all sources. If when doing so, the household income is found to be over the applicable income limit; SHA may then reevaluate the income and annualize a lesser amount only if able to verify that the lesser amount is the actual amount being received.

SHA will obtain third party verification of all income for all units. For the Section 8 Project Based Rental Assistance Program, the EIV reports are used to identify other sources of income; however these reports can only be used for the Section 8 PBRA program. They are not allowed to be used for any other funding source (i.e. LIHTC program).

If a third party source does not complete and return the third party verification(s) for earned income, SHA will document the tenant file and require that the tenant provide their last 4 paystubs in order for SHA to use for calculating/anticipating employment income.

If the paystubs are inadequate to calculate/anticipate employment income; SHA will require a notarized statement from the tenant in order for SHA to use for calculating/anticipating employment income

SHA may reject any tenant-provided documentation, if deemed unacceptable. Reasons the documentation may be rejected:

- The document is not an original; or
- The original document has been altered, or not legible; or
- The document appears to be a forged document (i.e. does not appear to be authentic).

SHA must obtain independent third party verification from the source, which is used to compliment EIV data for the Section 8 PBRA program, when:

- The tenant is unable to provide acceptable and current employment and/or income documentation to support the wage and unemployment income in EIV;
- The tenant disputes the EIV income information;
- There is an EIV income discrepancy reported at the time of recertification (annual or interim) or at other times as specified in this Tenant Selection Plan; and/or when
- There is incomplete EIV employment or income data for a tenant and SHA needs additional information.

Examples of additional information include; but are not limited to:

- Effective date of income (i.e. employment, unemployment compensation, or Social Security benefits)
- For new employment: pay rate, number of hours worked per week, pay frequency, hire date etc.
- Confirmation of change in circumstances (i.e., reduced hours, reduced rate of pay, temporary leave of absence, etc.); and/or
- There is no EIV employment or income data for a tenant.

SHA has the discretion to obtain additional third party verification of income or verification of other EIV data based on circumstances encountered during the recertification process.

#### EIV Income Incorrect or Does not Belong to Tenant

SHA will follow the procedures outlined in HUD Notice 10-10 regarding incorrect EIV information.

#### Mandatory Use of the Enterprise Income Verification (EIV) System (Section 8 PBRA program only)

Effective January 31, 2010, SHA is required to incorporate the use of EIV in its entirety, per 24 CFR 5.233 and HUD Notice 2010-10, as a third-party source to verify tenant employment and income information during mandatory recertification of family composition and income, and to reduce administrative and subsidy payment errors.

SHA is required to use EIV:

- At the time of annual recertification of family composition and income, beginning with all annual recertifications effective June 1, 2010; and
- At the time of all interim recertifications that take effect as of June 1, 2010.

SHA is required to run EIV reports on all new admissions, within 90 days of the effective date of the move-in date and SHA is then required to compare the information provided on the EIV report to the income counted at move-in and if any discrepancies; SHA is required to follow up within 30 days of the date the EIV report was printed. More information on this topic is provided later in this TSP.

SHA will inform all applicants and residents of its use of the following UIV/EIV resources during the admission and reexamination process.

SHA will utilize the HUD EIV system (Enterprise Income Verification) for the Section 8 PBRA program, as well as access the following up-front verification systems for both the Section 8 PBRA and LIHTC programs:

- DHS Screens (Department of Human Services for verification of TANF)
- Work Number (Provides income information for employers throughout the United States)
- Oregon State Employment Division
- Department of Justice Child Support Division

SHA will review and print computer matching reports from sources including but not limited to DHS for TANF, Employment Division for unemployment benefits, and the Department of Justice Child Support Division for child support, when SHA has received information from a source stating that the client may be receiving one or more of these types of income, or when a family has reported that the income data reported in EIV (Section 8 PBRA program only) is inaccurate.

Information received from DHS, the Work Number, Oregon State Employment Division and the Department of Justice Child Support Division will be considered third party verification.

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

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

## Consent to Disclose an Individual's Information to another Person or Entity

The Federal Privacy Act (5 USC 552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member may not be shared (or a copy provided or displayed) with another household member or to a person assisting the tenant with the recertification process, unless the individual has provided written consent to disclose such information.

SHA is not prohibited from discussing with the head of household and showing the head of household how the household's income and rent were determined based on the total income reported and verified.

## EIV Reports

### Using EIV reports

SHA must use the EIV system in its entirety for the Section 8 PBRA program. SHA must use:

- The EIV Income Report to compare sources of income with the tenant(s) during mandatory recertifications (annual and interim) of family composition and income; and
- Other EIV income reports (Income Discrepancy Report, New Hires Report and No Income Report) to identify issues or discrepancies which may impact a family's assistance; and
- The EIV Verification Reports (Existing Tenant Search, Multiple Subsidy Report, Identify Verification Reports and Deceased Tenants Reports) that further assist in reducing subsidy payment errors.

## Required Documentation to Demonstrate EIV Compliance

The following documentation is required to be in the tenant file to demonstrate the SHA's compliance with mandated use of EIV as the third party source to verify tenant employment and income information (24 CFR §5.233(a)(2)(i)).

**No Dispute of EIV Information:** EIV Income Report, current acceptable tenant-provided documentation, and, if necessary (as determined by the O/A), third party verification from the source.

**Disputed EIV Information:** EIV Income Report and third party verification from the source for the disputed information.

**Tenant-reported income not verified through the EIV System:** EIV Income Report, current acceptable tenant-provided documents and/or third party verification from the source.

### EIV Existing Tenant Search –New Admissions and/or When Adding a New Family Member

Prior to placement, or addition of a new family member, SHA will conduct a search in the Existing Tenant Search section of EIV and ensure that the applicant household, or prospective new family member, is not currently being assisted in another PH/MFH program/property.

If the research determines that the applicant household, and/or a prospective new family member, is being assisted in another PH/MFH program/property, SHA will discuss with the applicant and/or new prospective family member, if the report identifies that the applicant or member of the household is residing at another location, giving the applicant/household the opportunity to explain any circumstances relative to his/her being assisted at another location. This may be a case where the applicant wants to move from his/her present location or where two assisted families share custody of a minor child.

SHA will follow up with the respective PHA or Owner/Agent to confirm the individual's program participation status before admission, if necessary, depending on the outcome of the discussion with the applicant. This report gives SHA the ability to coordinate move-out and move-in dates with the PHA or Owner/Agent of the property at the other locations.

SHA will retain the results with the application along with any documentation obtained as a result of contacts with the applicant and the PHA and/or Owner/Agent at the other location.

### EIV Income Report - 90 days after New Admission

SHA must review the EIV Income Reports for all new admissions within 90 days\* after the transmission of the move-in certification to TRACS to confirm/validate the income reported by the household.

\*SHA will run the income reports for new admissions based on the following schedule:

- February move-ins - income reports will be run in May
- March move-ins - income reports will be run in June
- April move-ins - income reports will be run in July
- May move-ins - income reports will be run in August
- June move-ins - income reports will be run in September
- July move-ins - income reports will be run in October
- August move-ins - income reports will be run in November
- September move-ins - income reports will be run in December
- October move-ins - income reports will be run in January
- November move-ins - income reports will be run in February

- December move-ins - income reports will be run in March
- January move-ins - income reports will be run in April

SHA will resolve any income discrepancies with the household within 30 days of the Income Report date.

SHA will print and retain the Income Report in the tenant file along with any documentation received to resolve income discrepancies, if applicable.

### EIV Income, Discrepancy, and New Hire Reports –Interim Recertifications

SHA will obtain the above EIV reports when an interim reexamination has been scheduled to be conducted.

### EIV Income Reports - General

When selecting the Income Report for an individual tenant, either from the list of tenants for a particular project and/or contract or by querying by the head of household's SSN, there are three reports that SHA must use at the time of an interim and/or annual recertification:

#### Summary Report

SHA must use this report:

- At time of recertification to review and resolve the status of any household member(s) with a "failed" or "deceased" status. Note: SHA does not have to do anything at the time of recertification when the status is "not verified" however, SHA must check the Failed SSA Identity Test report on a monthly basis as changes in the Identity Verification Status for these tenant may occur.
- As verification that a tenant's SSN has been "verified" by SSA as being a valid SSN.

SHA must retain in the tenant file the summary report(s) as verification of the SSN for all household members whose Identity Verification Status is "verified". If the Summary Report in the tenant file shows an Identity Verification Status of "Verified" for all household members required to have a SSN, the Owner does not have to continue to print out the Summary Report at recertification unless there is a change in household composition or in a household member's identity verification status.

#### Income Report

SHA must use the income report at the time of annual and/or interim recertification of family composition and income.

The Income Report provides employment and income information for each household

member who passes the SSA identity test.

Identifies household members who may be receiving multiple subsidies by displaying the following message: "This member may be receiving multiple subsidies, See the Multiple Subsidy Tenant Report for details."

### Components of the Income Report

- TRACS certification information and tenant personal identifiers
- Employment Information
- Wages
- Unemployment Benefits
- Social Security Benefits
- Dual Entitlement
- Medicare Data
- Supplemental Security Income Benefits
- SSA Disability Status

The income Report does not include other income the household may receive such as welfare benefits, most pensions, child support etc. It should also be noted that a tenant may have wages that the employer did not report to the State Wage Agency and therefore, these wages will not be contained in the database.

### EIV Income Discrepancy Reports

The Income Discrepancy Report identifies tenants whose incomes may have been under- or over- reported. Negative numbers on the report represent potential tenant under reporting of income while positive number represents a potential decrease in tenant's income. In either case, SHA must investigate all discrepancies as being valid or invalid.

SHA is not expected to reconcile dollar amounts to the penny when resolving discrepancies, however SHA will print the Income Discrepancy Report at the same time they print the income report, at annual and/or interim recertifications and at any other time as dictated by this Tenant Selection Plan.

SHA will review and resolve any discrepancies in income reported on the Income Discrepancy Report with the household at the time of recertification or within 30 days of the EIV Income Report date. Any unreported, underreported or over-reported income by the tenant and reported on current or historical from HUD-50059 must be identified.

Income Discrepancy Reports must be retained along with detailed information on the resolution of the reported discrepancy in the tenant file. This includes information on resolution of the discrepancy regardless of whether the discrepancy was found to be valid or invalid.

SHA must make sure the information in TRACS agrees with the information on the for HUD-50059 in the tenant's file. Any discrepant information must be corrected in the TRACS database.

### Investigating EIV discrepancies

SHA must investigate and confirm possible income discrepancies of \$2,400 or more as disclosed on the EIV Income Discrepancy Report. SHA must also investigate and confirm other possible errors that may result in over or underpayment of HUD subsidy, e.g., tenants reported by SSA as being deceased, tenants receiving multiple subsidy, etc.

SHA may not suspend, terminate, reduce, make a final denial of rental assistance or take any other adverse action against an individual based solely on the data in EIV.

When the tenant disputes the employment and income information in EIV, SHA must independently verify the disputed information by obtaining third party verification directly from the third party source.

SHA must notify the tenant of the results of any third party verification and request the tenant come into the office, within 10 days of notification, to discuss the results (see Chapter 8 of Handbook 4350.3 Rev. 1 Change 4). The tenant may contest the findings in the same manner as applies to other information and findings relating to eligibility factors.

If SHA determines that the tenant is in non-compliance with his/her lease because he/she knowingly provided incomplete or inaccurate information, SHA must follow the guidance in Chapter 8, Section 3 of Handbook 4350.3 Rev. 1 Change 4, for terminating the tenant's tenancy and Chapter 8, for the requirements on filing a civil action against the tenant to recover improper subsidy payments.

Where fraud is suspected, SHA should report this to the HUD OIG Office of Investigation in the District that has jurisdiction in the state the project is located.

### EIV Unreported or Underreported Income

If SHA determines the tenant unreported or underreported his/her income, SHA must go back to the time the unreported or underreporting of income started, not to exceed the 5-year limitation that the tenant was receiving assistance described on forms HUD-9887 and HUD-9887-A, and calculate the difference between the amount of rent the tenant should have paid and the amount of rent the tenant was charged.

SHA must notify the tenant of any amount due and their obligation to reimburse SHA. Record of this calculation must be provided to the tenant and also retained in the tenant's file.

Tenants with unreported income that goes back further than 5 years can be reported to

the OIG for fraud. (See Section IX.C of HUD Notice 10-10 on Tenant Repayment of Unreported or Underreported Income.)

SHA must have the form HUD-50059(s) on file that was in effect during the period(s) that the tenant had unreported or underreported income, along with any supporting documentation, in order to calculate the amount the tenant must reimburse to the owner. The form HUD-50059(s) is the document whereby the tenant(s) certifies to the accuracy of the income included on the form. If SHA does not have this historical information, SHA cannot go back to the tenant for unreported or underreported income.

Tenants are obligated to reimburse SHA per Section 20 of this TSP, if they were/are charged less rent than required by HUD's rent formula; due to underreporting or failure to report income. For more information see Section 20.

### EIV Income, Discrepancy, and New Hire Reports - Annual Recertifications

SHA will obtain the above EIV reports on a monthly basis, as part of the regular reexamination process.

### EIV New Hire Reports

This report identifies tenants who have started new jobs within the last six (6) months.

SHA will run this report on a monthly basis to determine if any of their tenants have started new employment whereby the tenant has not reported a change in income to SHA in-between recertifications and/or the new employment was not reported at the time of recertification.

Tenants are required to report changes in income when the household's income cumulatively increases by \$200 or more per month. SHA must reach out to tenants to report the income changes so that rent adjustments can be made in a timely manner, thus eliminating/reducing the amount of retroactive rent repayments.

- SHA must contact the tenant regarding her/her new employment;
- Confirm with the tenant that they have a new job and that the employment information in EIV is correct.
- If the tenant agrees that the employment information in EIV is correct, SHA will request the tenant provide documents, e.g. four current, consecutive pay stubs, employment confirmation letter specifying date of hire, rate of pay, number of hours worked each week, pay frequency, for use in the determining the tenant's income or if necessary, request third party verification from the employer.
- If the tenant disputes the employment information in EIV, SHA must obtain third party verification from the employer.
- SHA will process a recertification in accordance with program requirements that includes the employment income.

- SHA will retain copies of the new Hires Summary Report in a master “New Hires Report” file along with notations as to the outcome of the contact with the tenant (e.g., J. Jones -interim recertification processed to include income from new employment). A copy of the New Hires Detail Report for the tenant along with any correspondence with the tenant, third party verification, etc. will be retained in the tenant file.

### EIV Multiple Subsidy Reports

SHA will generate the Multiple Subsidy Report on a monthly basis.

SHA will perform both search options (e.g. Search within MF; Search within PIH) to determine if possible multiple subsidy exists.

Any tenant household, who appears on the report, will be researched and determination will be made if the multiple subsidy report is valid or invalid by SHA discussing with the tenant if either of the searches shows that a tenant is being assisted in another location. The tenant must be given the opportunity to explain any circumstances relative to his/her being assisted at another location.

SHA will follow up with the respective PHA and/or Owner/Agent, if necessary, to confirm that the tenant is being assisted at the other location. Depending on the results of the investigation, SHA may need to take action to terminate the tenant’s assistance or tenancy, per 4350.3 Rev. 1 Change 4, Chapter 8, Sections 1 and 2.

SHA will print out and maintain a copy of the Multiple Subsidy Report summary report in a master file, along with notations as to the outcome of contacts with the tenant and/or PHA and/or Owner/Agent (e.g., J. Jones - no multiple subsidies being paid. Section 236 tenant with a Housing Choice Voucher.) A copy of the Multiple Subsidy Detail Report for the tenant plus any documentation supporting any contacts made or information obtained to determine if a household and/or household member is receiving multiple subsidies as well as documentation to support any action taken if a household and/or household member is receiving multiple subsidies must be retained in the tenant file.

If a tenant’s multiple subsidies were discussed and resolved at the time of recertification, this must be noted on the printed Multiple Subsidy Report and no further action is required.

If it is found that the tenant household is being assisted in another PH/MFH program/property; SHA will take steps to terminate the tenancy of the tenant household.

### EIV Identity Verification Reports

There are two reports that can be accessed from the Identity Verification Report link. SHA must use both of these reports on a monthly basis to clear up any invalid, discrepant or missing information in the TRACS database that was not identified and

corrected at the time of recertification. There will not be any employment or income information in EIV for tenants who fail either the EIV pre-screening or SSA identify test so it is essential that discrepancies are corrected within 30 days from the date of the reports. SHA must conduct third party verifications to obtain employment and income data for these tenants.

To ensure the SSN transmitted to TRACS is valid, on a monthly basis SHA must use the failed EIV Pre-screening Report and the Failed Verification Report in EIV.

#### EIV Failed EIV Pre-screening Report

This report identifies tenants who fail the EIV pre-screening test because of invalid or missing personal identifiers (SSN, last name or DOB). The tenants on this list will not be sent to SSA from EIV for the SSA identify match until the personal identifier information is corrected in TRAC's.

SHA must follow up with tenants identified on the report where discrepant personal identifiers were not corrected at the time of recertification, as there will not be any employment or income information in EIV for tenants who fail either the EIV pre-screening or SSA identity test, so it is essential that any discrepancies are corrected within 30 days from the date of the report. SHA must conduct third party verifications to obtain employment and income data for these tenants.

Before contacting the tenant, SHA will confirm accuracy of the data entry in TRACS, (e.g. has a number been transposed when entering the SSN?).

SHA will then confirm with the affected tenant their SSN, DOB and/or last name; obtain documentation from the tenant to verify any discrepant personal identifiers; correct any discrepant information in the TRACS system; and print and retain a copy of the report in a master "Failed EIV Pre-screening Report" file. The report must be documented with the action taken to resolve invalid or discrepant personal identifiers.

Note: This report will include those persons who are exempt from the SSN disclosure and verification requirements. In these instances SHA will note on the copy of the report retained in both the master and tenant files that the tenant(s) is exempt from SSN requirements and no employment or income information will be provided by EIV.

#### EIV Failed Verification Report (Failed the SSA Identity Test)

The Failed Verification Report identifies tenants that have had their personal identifiers sent to SSA, via HUD's computer matching program with SSA, but the data could not be verified by SSA due to missing or invalid information or other SSA issues.

SHA will run this report on a monthly basis.

SHA will first confirm the accuracy of the data entry into TRACs before contacting the

tenant. If needed, SHA will then confirm the affected tenant their SSN, DOB and/or last name, and will obtain from the tenant documentation to verify any discrepant personal identifiers.

SHA will then correct any discrepant information in the TRACs system so that the tenant will be included in the match against SSA and NDNH data.

SHA will encourage the tenant to contact the SSA to correct any inaccurate data in their databases if the personal identifiers on the form HUD-50059 and in TRACS are accurate. The tenant can request SSA to correct his/her record by completing and submitting form SS-5, Application for a Social Security Card, to the local SSA office.

SHA will print and retain a copy of the report in a master "Failed the SSA Identity Test" file; as well as in the tenant file. SHA will document the action to be taken to resolve invalid or discrepant personal identifiers.

If a tenant's information was corrected at the time of the recertification, but the EIV data has not been updated, SHA will note this on the printed reports and no further action is required.

#### EIV Deceased Tenant Report

SHA will generate a deceased tenant report on a monthly basis.

This report identifies tenants who are participating in one of Multifamily Housing's rental assistance programs who are reported by SSA as being deceased.

SHA will confirm in writing, with the head of household, next of kin or emergency contact person or entity provided by the tenant whether or not the person is deceased.

If the person is deceased, SHA will update the family composition, income and allowances, if applicable on the form HUD-50059. The effective date of the form HUD-50059 will be in accordance with Chapter 7, Handbook 4350.3 Rev. 1 Change 4.

In the case of a deceased single member of a household, SHA will process a move-out using form HUD-50059-A. The effective date of the form HUD-50059-A will be retroactive to the earlier of 14 days after the tenant's death, or the date the unit was vacated, per Chapter 9, of Handbook 4350.3 Rev. 1 Change 4. Note: Single member deceased households are denoted on the report with a red asterisk (\*) after the member's deceased date.

Any overpayment of subsidy that was paid on behalf of the deceased tenant must be repaid to HUD.

Discrepant information must be corrected in the TRACs system within 30 days from the date of the report.

SHA will encourage tenants to contact the SSA to correct any inaccurate data in their database if the person shown as being deceased in the SSA database is not deceased. SHA will print and retain a copy of the report in a master "Deceased Tenant Report" file. The report will be documented with action taken to resolve any discrepancies. All correspondence or action taken for a particular tenant must be retained in the tenant file.

If action was taken to remove the deceased tenant from the household or a move-out processed if a single member household but the EIV data has not yet been updated, this must be noted on the printed report and no further action is required.

### EIV No Income Report

This is a tool that SHA will use to identify tenants who passed the identity match against SSA's records but no employment or income information was received from the match against either the SSA or National Directory of New Hires (NDNH) records.

SHA will use this report only as identified and described in this TSP.

Because no income was reported as a result of the match against SSA and NDNH records does not mean that the tenant(s) does not have income. SHA must make sure that at the time of recertification interviews, the right questions are asked so that tenants are given the opportunity to disclose any income they receive.

SHA will retain copies of this report, and any subsequent documentation that supports the claim of no income for the tenant(s) in the tenant file and a copy will be maintained in the master file under "No Income Reports".

SHA will re-verify the status of tenants reporting zero income at least quarterly.

### Retention of EIV Reports

All reports will be retained in tenant files with the applicable annual or interim reexamination documents for three years past when the tenant moves out of the program/project. After the three years past move out has passed, the reports will be purged and the file will be noted accordingly.

SHA must retain:

The Income Report, the Summary Report(s) showing Identity Verification Status as "Verified" and the Income Discrepancy Report(s) and supporting documentation must be retained in the tenant file for the term of tenancy plus three years; however the EIV report will be kept in a separate file; as EIV does not apply to the LIHTC program, and auditors reviewing the tenant files for a LIHTC review is not allowed to view EIV reports.

Any tenant provided documentation, or other third party verification of income, received to supplement the SSA or NDNH data must be retained in the tenant file for the term of tenancy plus three years.

Results of the Existing Tenant Search must be retained with the application:

- If applicant is not admitted, the application and search results must be retained for three years.
- If applicant is admitted, the application and search results must be retained in the tenant file for the term of tenancy plus three years.

The master files for the New Hires Report, Identity Verification Reports, Multiple Subsidy Report and Deceased Tenants Report must be retained for three years.

Once the retention period has expired, SHA must dispose of the data in a manner that will prevent any unauthorized access to personal information, e.g., burn, pulverize, shred, etc.

#### Verification of SSNs

SHA will verify and document each disclosed SSN by obtaining the documentation listed under "Acceptable Verification Documents" from each family member of the applicant's or tenant's household who does not meet an exemption.

SHA will make a copy of the original documentation submitted, returning the original to the individual and retaining the copy in the file folder.

SHA will record the SSN(s) on the form HUD 50059 and transmit the data to TRACS in a timely manner. SHA will transmit HUD form 50059 data to correspond with the appropriate HUD voucher billing, to enable HUD to initiate its computer matching efforts; and to ensure the SSN transmitted to TRACS is valid, SHA must use the failed EIV Pre-screening Report and the Failed Verification Report in EIV.

The Failed EIV Pre-screening Report identifies tenants who failed the EIV pre-screening test due to invalid or missing personal identifiers.

The Failed Verification Report identifies tenants that have had their personal identifiers sent to SSA, via HUD's computer matching program with SSA, however the data could not be verified by SSA due to missing or invalid information or other SSA issues.

#### Acceptable Verification Documents

Most individuals should be able to verify all SSNs with a social security card. However, if the applicant or tenant cannot provide the social security card for any or all non-exempt household members, other documents showing the household member's SSN may be used for verification. He or she may be required to provide one or more of the following

alternative documents to verify his or her SSN:

- Original document issued by a federal or state government agency which contains the name, SSN, and other identifying information of the individual
- Driver's license with SSN
- Earnings statements on payroll stubs
- Bank Statement
- Form 1099
- SSA benefit award letter
- Retirement benefit letter
- Life Insurance Policy
- Court records

### Rejection of Documentation

SHA must reject a document for any of the following reasons:

- Document is not an original
- Document is an original but has been altered, mutilated, or is not legible
- Document appears to be forged or does not appear to be authentic

SHA will explain to the applicant or tenant the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation of the SSN and submit it to SHA within a reasonable time frame designated by SHA.

SHA will not send tenants to the SSA office if they do not have the above information. Instead, SHA must ask the tenant to request benefit information from SSA using SSA's website or toll-free number.

Per HUD Notice 10-10, SHA will not include the full nine-digit SSN for a tenant in e-mails or other electronic communications.

### Actions Once the SSN is Verified

SHA will remove and destroy the copy of the documentation referenced above by the next scheduled recertification of family income or composition.

Paper documentation will be destroyed by shredding.

Electronic documentation will be destroyed by erasing or permanently deleting the record.

SHA will retain in the tenant file the Household Summary Report from the EIV system. This report will provides verification of the SSN.

### Third Party Written and Verbal Verifications

## **Reasonable Effort and Timing**

Unless third-party verification is not required as described below, HUD requires SHA to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification.

SHA will diligently seek third-party verification using a combination of written and oral requests to document sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.

SHA may mail, fax, or e-mail, third-party written verification requests and will accept third-party responses using any of these methods. SHA will send a written request for verification to each required source within five (5) business days of securing a family's authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11th business day, SHA will request third-party oral verification. Facsimiles should clearly show a header or footer indicating where it originated (SHA) and from where it was returned (verifier) in order to be a valid verification.

SHA will make a minimum of two attempts, one of which may be oral, to obtain third-party verification. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file. Regarding third-party oral verification, SHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

### When Third-Party Verification is Not Required

#### **Primary Documents**

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

#### **Certain Assets and Expenses**

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

#### **Certain Income, Asset, and Expense Sources**

SHA will determine that third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification. For example, SHA will rely upon review of documents when SHA determines that a third party's privacy rules prohibit the source from disclosing information. Another example would be where the Social Security Administration (SSA) has refused to respond to

requests for third-party verification.

SHA also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information. An example would be where a financial institution will charge the family or SHA for the cost of the verification.

Applicants/tenants who indicate they have no earned income, or are currently unemployed and claiming zero income or are unemployed but anticipate beginning work within the next 12 months, must complete an Unemployed Affidavit/Zero-Income Certification.

### Review of Documents

If SHA has determined that third-party verification is not available or not required, documents provided by the family will be used as verification.

SHA may also review documents when necessary to help clarify information provided by third parties. In such cases SHA will document in the file how SHA arrived at a final conclusion about the income or expense to include in its calculations.

### Self-certification

When a third party review of documents cannot verify the information, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to SHA.

SHA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to SHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a SHA representative or SHA notary public.

## **SECTION 5 - VERIFICATION OF HOUSEHOLD COMPOSITION AND INCOME AND COMPUTATION OF ANNUAL INCOME AND GROSS FAMILY CONTRIBUTION**

### Identification

All heads of household and/or spouse and household members age 18 and above will be required to provide picture identification. Picture identification may include, but is not limited to: driver's license, motor vehicle identification card, passport, military identification card, or employment identification. If picture identification is not available, two other forms of identification will be required such as a birth certificate, valid social security card or insurance card.

Identification is also required for all household members under the age of 18. Acceptable identification may include but is not limited to birth certificate, valid social security card, or insurance card.

SHA will determine if the identification provided is acceptable.

### Verification of Full or Part Time Student's Independence from Parents (Section 8 PBRA)

If a full or part time student is under the age of 24, not a veteran, unmarried, and has no dependent children, the student and the student's parents must meet the income eligibility requirements in order to be eligible, even if the parents do not reside with the full or part time student, unless the student can show they meet the Department of Education criteria for determining independence from parents:

- The individual must be of legal contract age under state law;
- The individual must meet the U.S. Department of Education's definition of an independent student, as follows:
  - 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 (as defined in subsection (c)(1) of HEA) 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 a married individual;

- 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 (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by—
    - a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
    - 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; OR
  - The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.
- The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
  - The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of the annual income that must be verified to determine eligibility and at annual recertification to determine rent. *If the student cannot obtain, or the parent refuses to provide this information, the student is not eligible for Section 8 assistance.*

In order to verify independent student status for any Section 8 Project Based Unit, SHA is required to take all of the following steps:

- (1) Review and verify previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education’s definition of “independent student”;
- (2) Review a student’s prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education’s definition of “independent student”; and
- (3) Verify income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income. (Except if the student meets the Department of

Education's definition of "independent student").

If the income of the full-time or part-time student's parent(s) is counted, they must have incomes below 80% of median income in the area in which they reside.

The student eligibility criteria does not affect full-time students residing with his or her eligible parent(s), nor are high school students, or students who are working towards completion of "secondary education" or high school equivalency.

SHA must verify the income provided by the student's parents by requiring a written certification from the individual providing the support. This certification is required even if the parents are not providing any support to the student. *If the student cannot obtain, or the parent refuses to provide this information, the student is not eligible for Section 8 assistance.*

#### Verification when Household is Comprised in its entirety of Full Time Students (LIHTC Program)

Households comprised in its entirety by full time students must be able to meet an exemption per this TSP, in order to continue to reside in the unit. See Section 3 of this TSP for more information.

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

The Housing Authority shall compute the annual income and gross family contribution of applicants in accordance with HUD Handbook 4350.3. Rev. 1 Change 4 and the LIHTC Compliance Manual.

### **Calculating Annual Income**

#### **LIHTC program (applicable to all units)**

When analyzing income, year to date income must be considered and compared to the wage/salary calculation. When annualizing year to date income SHA will round the number of weeks to a whole week depending on what the result is when the decimal point is carried out one point (e.g. 13.47 would round to 13 weeks; 13.50 would round to 14 weeks).

SHA will count the highest amount of income possible, unless the household is determined over-income. At that point, SHA will analyze each source of income and determine if a lesser amount is more accurate. SHA will follow up with the applicable third party source in order to make this determination.

Income that cannot be anticipated for a full 12 months (such as unemployment compensation) will be calculated assuming the current circumstances will last a full 12 months unless there is a foreseeable change in the future that would cause the income

calculation to be greater.

Applicants/tenants who state that he/she is married but is estranged from or in the process of a separation from his/her spouse, a verification must be obtained in order to prove that the spouse will not be residing in the unit and applicant/tenant will also be required to complete an estrangement/separation certification form.

### **Section 8 PBRA Program (applicable to all units)**

SHA will annualize income per HUD Handbook 4350.3 Rev. 1 Change 4 for the Section 8 PBRA program, which means that SHA may or may not count the highest amount of income possible.

In general SHA will convert periodic wages to annual income by multiplying:

1. Hourly wages by the number of hours worked per year (2,080 hours for full-time employment with a 40-hour week and no overtime).
2. Weekly wages by 52;
3. Bi-weekly wages (paid every other week) by 26;
4. Semi-monthly wages (paid twice each month) by 24; and
5. Monthly wages by 12.

To annualize other than full-time income, SHA will multiply the wages by the actual number of hours or weeks the person is expected to work.

SHA will make a reasonable judgment as to the most reliable approach to estimating what the tenant will receive during the year.

### **Total Tenant Payment (Applies Section 8 PBRA program)**

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

- 30% of family's adjusted monthly income (See Section 22. Deductions);
- 10% of the family's monthly income; or
- \$25.00 (unless tenant qualifies for a hardship exemption per Section 7)

## SECTION 6 – SINGLE FAMILY OCCUPANCY STANDARDS

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

### Occupants Per Unit

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

Bedroom Size	Minimum # of occupants	Maximum # of occupants
1	1	2

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

- H - Head
- S - Spouse (They either can be a spouse or a co-head, but not both)\*
- K - Co-head
- D – Dependent (Child under the age of 18; or a family member other than the Head of Household; Spouse or Co-Head who is verified to be a full-time student and/or a person with disabilities)
- O - Other adult member (Adult who is not the head, spouse or co-head and whose income is counted in determining the family's annual income.

SHA will select *S, K, D, or O* for all adults.

\*Couples in a spousal relationship, regardless of legal marital status or gender, must designate a Head of Household and Spouse or Co-head.

### Family Composition

In order to determine if the family meets the occupancy standards for the size of unit listed above, SHA will determine the number of family members as follows:

- SHA will count all full-time members of the family.
- SHA will also count all anticipated children. Anticipated children include the following:

- Children expected to be born to a pregnant woman;
  - Children in the process of being adopted by an adult family member;
  - Children whose custody is being obtained by an adult family member;
  - Foster children who will reside in the unit;
  - Children who are temporarily in a foster home and will return to the family; and/or
  - Children in joint custody arrangements who are present in the household 50% of the time.
  - Children who are away at school and who live a home during recesses, if listed on the lease.
  - Live-in aides for purposes of determining appropriate unit size.
  - Foster Adults living in the unit.
- SHA will not count non-family members, such as adult children on active military duty, permanently institutionalized family members, or visitors.

## SECTION 7– RECERTIFICATIONS

Tenant income shall be reexamined and rent redetermined in accordance with HUD Handbook 4350.3. Rev. 1 Change 4 for the Section 8 PBRA program and per the OHCS LIHTC Compliance Manual for the LIHTC program.

### Annual and Interim Recertifications

Recertification of family income, family composition and the extent of medical and other expenses incurred by the family shall be made at least annually for the Section 8 PBRA program. SHA is required to conduct a first-year recertification for the LIHTC program, after the initial move-in; however after the first year recertification is completed; subsequent annual recertifications are not required under the LIHTC program.

SHA will begin the annual recertification process within 120 days of the annual recertification effective date. SHA shall re-compute the Tenants' rent and assistance payments based on verification of the information gathered at the annual recertification appointment.

SHA will generate an AR 50059 and a LIHTC TIC at the first annual recertification; however for subsequent annual recertifications; a LIHTC TIC is not required.

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

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

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

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

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

When a change in family composition is reported at an annual or interim recertification, if a request is being made to add a family member; SHA will perform the necessary screening to determine if the household meets the eligibility requirements for the

project. If a request is made to remove a family member; SHA will verify that the family member has vacated the unit and will determine if the remaining family member is eligible for the Section 8 PBRA and/or LIHTC program.

If at any time a tenant household certifies and verifies at their annual/interim recertification that all household members are full-time students, and are not eligible for an exemption per Section 2, the tenant household will be notified that they are no longer eligible to reside in the unit.

At each annual recertification, SHA will also ensure that full and/or part time students remain eligible to receive Section 8 assistance by applying the same criteria that is applied for initial eligibility.

Assistance shall not be provided to any student who does not meet the definition of independent student.

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

If, in a household that is currently receiving Section 8 assistance, SHA determines that one of the household members is an ineligible part-time or full-time student, the assistance for that household must be terminated in accordance with established requirements in Chapter 8 of Handbook 4350.3 Rev. 1 Change 4 and the household will be given a 30 day notice that their rent is being increased to the contract rent for the unit. The assistance will remain terminated as long as the ineligible part-time or full-time student remains in the household. Should the ineligible student move out, the household would again be eligible for Section 8 assistance; however if at any time the household consists entirely of full-time students who do not meet one of the student exemptions for the LIHTC program, the household will be given notice to move.

SHA will not evict the ineligible student nor will the ineligible student be required to move out as long as the student is in compliance with the lease and as long as the household does not consist entirely of full-time students who do not meet one of the student exemptions for the LIHTC program. If that situation occurs, the household would be given a notice to move.

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

SHA will perform criminal background checks through sources such as, but not limited to OJIN, LEDS and/or other available third party screening companies for all adult household members, at each annual recertification and/or when processing an interim

for adding a new adult family member, in order to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program and/or to identify if any household member has engaged in any prohibited drug/criminal activity that could affect tenancy.

If SHA proposes to terminate tenancy based on a criminal record or on lifetime sex offender registration information, SHA will notify the household of the proposed action and provide the opportunity to dispute the accuracy and relevance of the information prior to termination of tenancy.

### Timing of Annual Recertifications

For existing tenants at time of conversion from Public Housing to the Section 8 PBRA and LIHTC programs, Annual Recertification's will be completed by the tenant's original recertification anniversary date based on their move-in to the unit under the Public Housing Program.

For tenants who move in after the conversion from Public Housing to the Section 8 PBRA and LIHTC programs; the annual recertification will be effective the first of the month of their move-in date; one year later (i.e. If move-in date is May 14, 2014 their next annual recertification date will be May 1, 2015).

The annual recertification anniversary date does not change if a tenant transfers from one unit to another at the same property; due to an approved reasonable accommodation transfer.

SHA will process all recertifications in a timely manner using the guidelines in the HUD Handbook 4350.3 Rev. 1 Change 4. HUD Headquarters has instructed HUD and the Contract Administrators to terminate assistance payments if a new recertification is not submitted within 15 months of the previous year's recertification anniversary date.

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

### Notices to Tenants - Required Notices

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

### **Initial Notice**

Upon initial signing of the lease and at each annual recertification, SHA will provide an Initial Notice to the tenant. This notice serves to ensure that the tenant understands the

responsibility to report to SHA by the specified date of the following year to prepare for the next recertification.

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

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

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

### **First Reminder Notice**

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

The first reminder notice includes the following:

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

responsible for paying the full contract rent.

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

### **Second Reminder Notice**

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

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

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

### **Third Reminder Notice**

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

The Third Reminder Notice includes the following:

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

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

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

### **Effective Dates of Changes in Housing Assistance Payment and Tenant Rent**

The recertification process should be complete by the recertification anniversary date, however, delays may be encountered while processing a recertification that prevent its

completion in time to provide a tenant with a notice 30 days prior to the anniversary date. HUD has established, per Handbook 4350.3 Rev 1 Change 4, specific procedures regarding the timing of changes in the Total Tenant Payment (TTP), tenant rent and assistance payment when the recertification is delayed.

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

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

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

- SHA provides the first, second, and third reminder notices per HUD requirements; and
- The tenant reports for the recertification interview just prior to the 10th day of the 11th month after the last annual recertification. SHA is then responsible for completing the verification process in time to give the tenant a 30 day advance notice of any rent change.
- In order to complete the verification process and provide the notice in time to have the new rent take effect by the recertification anniversary date, SHA may pursue alternative forms of verification, including review of documents provided by the tenant. Third party verification will continue to be pursued, but the processing of the recertification can be completed using other sources of verification.
- Should SHA fail to complete the verification process in time to give the tenant a 30 day advance notice of rent increase, the tenant's rent increase may not take effect until the 30 day rent increase notice period has expired. The Housing Assistance Payment (HAP) change will be effective on the recertification anniversary date.
- If the tenant's rent is decreasing, no 30-day advance notice is required. Both the tenant's rent and the Housing Assistance Payment (HAP) will change on the recertification anniversary date.
- Input any changes to the tenant's income or other characteristics in HMS and print a 50059 facsimile (note: Interims are not required for the LIHTC program; therefore SHA will not generate a TIC).

- Document the resulting changes in the tenant's rent and assistance payment by obtaining signatures on the 50059 facsimile from the head, co-head and spouse and all other adult family members. Maintain copy with original signatures in the tenant file. Provide the tenant with a separate copy.
- After obtaining tenant and SHA representative signatures, electronically transmit interim recertification to the Contract Administrator to HUD to update the tenant information in TRACS.

### Late Tenant Response

SHA or Third Party delays can occur when:

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

The Housing Assistance Payment changes on the anniversary date of the recertification.

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

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

### Delays Due to Late Tenant Response

Delays caused by late tenant response can occur when:

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

**When SHA processes the annual recertification:**

- Changes in the TTP/tenant rent and assistance payment take effect on the recertification anniversary date.
- As established in the lease, the third reminder notice fulfills the requirement for a 30-day notice of rent increase effective on the anniversary date.
- In all cases where the tenant reports for the recertification after the 10th day of the 11th month after the last annual recertification; but before the recertification anniversary date (as described above), all adjustments in assistance payment and the tenant's rent are made *retroactive* to the recertification anniversary date.

### Tenant Response after Recertification Anniversary Date

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

- SHA provides all three recertification reminder notices per HUD requirements; and
- The tenant reports for the recertification interview on or after the recertification anniversary date.
- On the recertification anniversary date, the tenant will begin paying the market (contract) rent.

### **Assistance may only be reinstated if:**

- The tenant submits the required information; and
- SHA determines that the tenant qualifies for assistance.

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

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

SHA may not evict the tenant for failure to pay market (contract) rent after the tenant

reports for the interview and SHA is processing the certification.

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

### Tenant Compliance Issues

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

### Extenuating Circumstances

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

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

### **Inquiring about extenuating circumstances:**

At the time the tenant submits the required recertification information, SHA will inquire whether extenuating circumstances prevented the tenant from submitting the information prior to the recertification anniversary date.

If the tenant indicates that extenuating circumstances were present, the tenant will promptly provide SHA with verification of the circumstances.

When a tenant provides evidence of extenuating circumstances, SHA will determine whether the information provided shows that the circumstances meet the condition described above.

SHA will provide the tenant with a written notice of the decision. The notices will also inform the tenant of his/her right to appeal SHA's decision if SHA determines that extenuating circumstances were not present.

If SHA denies extenuating circumstances, the tenant will be provided with an opportunity, within 10 days of notification, to meet with SHA to appeal the decision to raise the tenant rent to market (contract) rent. SHA will arrange for a person who was not part of the original determination to conduct the appeal meeting. The tenant may

have representation at the meeting, may present information for consideration, and may respond to the information presented by others.

### Extenuating Circumstances Not Present

If SHA determines that extenuating circumstances were not present, the procedures above will be followed, a determination made about whether assistance can be reinstated, and appropriate effective dates will be established.

The TTP/tenant rent and the assistance payments determined based on the recertification information provided by the tenant are effective retroactively to the recertification anniversary date.

### Interim Recertifications (Applicable to Section 8 PBRA program only)

To ensure that assisted tenant payments are commensurate with the ability to pay, tenants will supply information requested by SHA or HUD for use in an interim certification of family income and composition in accordance with HUD Handbook 4350.3 Rev. 1 Change 4.

#### **All tenants must notify SHA when:**

- A family member moves out of the unit;
- The family proposes to move a new member into the household. Note: The same screening criteria applied to those initially placed; applies to those being added to the household;
- An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment;
- The family's income cumulatively increases by \$200 or more per month; or
- All household members become full-time students.

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:

- Decreases in income including but not limited to loss of employment, reduction in number of hours worked by an employed family member, or a loss or reduction in welfare income.
- Increases in allowances including, but not limited to, increased medical expenses which were not anticipated at the last certification/recertification and/or tenant has experienced "one-time" nonrecurring medical expenses that have been paid in full and are not anticipated to be reimbursed by an outside source.

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

annual recertifications.

**SHA must process an interim recertification when a tenant reports:**

- A change in family composition;
- An increase in family income of more than \$200 per month (cumulative – does not have to be an increase from one source of income; it could be increases from multiple sources that add up to \$200 or more per month);
- An increase in allowances (i.e. tenant is reporting a new medical or disability assistance expense);
- A decrease in income;
- Becoming a full-time student; or
- A change in citizenship or eligible immigration status of any family member.

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

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

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

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

SHA will be consistent in implementing this policy for all tenants in the property who experience a decrease in income that will last for less than one month.

SHA may delay, but not refuse, to process an interim certification if they have confirmation that a tenant's income will be partially or fully restored within two months. Processing may be delayed only until the new income is known.

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

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

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

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

Processing Interim Recertifications

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

- Interview the tenant to obtain information on the reported changes. SHA will also review and ask if there have been other changes to family composition, income, assets, or allowances since the most recent certification.
- Obtain third party verification of the income or other facts reported as changed since the last recertification and maintain documentation in the tenant file.
- Input any changes to the tenant's income or other characteristics in HMS and print a 50059 facsimile (note: Interims are not required for the LIHTC program; therefore SHA will not generate a TIC).

- Document the resulting changes in the tenant's rent and assistance payment by obtaining signatures on the 50059 facsimile from the head, co-head and spouse and all other adult family members. Maintain copy with original signatures in the tenant file. Provide the tenant with a separate copy.
- After obtaining tenant and SHA representative signatures, electronically transmit interim recertification to the Contract Administrator to HUD to update the tenant information in TRACS.

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

*Tenant Notification*

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

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

*Timely Tenant Response*

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

*Non-Timely Tenant Response (Failure to respond within 10 calendar days)*

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

Effective Date of Interim Recertifications

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

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

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

If the tenant's rent *increases* because of an interim adjustment, the owner will give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day period.

If the tenant's rent will *decrease*, the change in rent is effective on the first day of the month after the date of action that caused the interim certification. A 30-day notice is not required for rent decreases.

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

SHA will implement *any resulting rent increase* retroactive to the first of the month following the date the action occurred.

*Any resulting rent decrease* will be implemented effective with the first rent period following completion of the recertification.

#### Hardship Exemption

(Applicable at initial placement and/or at annual or interim recertification)

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

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

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

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

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

The financial hardship exemption only applies to payment of the minimum rent and not

to other elements used to calculate total tenant payment.

## **SECTION 8 - ANNUAL AND INTERIM RECERTIFICATIONS OF HOUSEHOLD INCOME**

### ***Applicable to units designated as Tax Credit Units and HOME Units***

Income and assets will be determined per HUD handbook 4350.3. Rev. 1 Change 4, the OHCS LIHTC Compliance Manual, and the Technical Guide for Determining Income and Allowances for the HOME program.

### Calculating Annual Income

When analyzing income, year to date income must be considered and compared to the wage/salary calculation. When annualizing year to date income SHA will round the number of weeks to a whole week depending on what the result is when the decimal point is carried out one point (e.g. 13.47 would round to 13 weeks; 13.50 would round to 14 weeks).

SHA will count the highest amount of income possible, unless the household is determined over-income. At that point, SHA will analyze each source of income and determine if a lesser amount is more accurate. SHA will follow up with the applicable third party source in order to make this determination.

Income that cannot be anticipated for a full 12 months (such as unemployment compensation) will be calculated assuming the current circumstances will last a full 12 months unless there is a foreseeable change in the future that would cause the income calculation to be greater.

### Family Composition

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

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

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

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

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

If a tax credit unit participant household certifies and verifies at their annual/interim recertification that all household members are full time students, and are not eligible for an exemption under Section 2, the next available unit in the building in which the participant household resides will be rented to a Tax Credit eligible household, and their unit is now considered a market unit.

## **SECTION 9 - APPLICANT/PARTICIPANT MISREPRESENTATION/ FRAUD**

Misrepresentations and fraud will be handled per the lease agreement.

## **SECTION 10 – SECURITY DEPOSITS**

Tenants living in place at the time of the conversion will retain the refundable Security Deposit that was made at their original move in.

For tenants moving in after conversion, the refundable security deposit is the greater of the tenants TTP or \$50.

## **SECTION 11 - LEASE**

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

### Execution of Lease

All household members age 18 and/or head of household; spouses or co-heads who are under the age of 18; are required to execute a Rental Agreement/Lease in duplicate prior to actual admission.

The copy is given to the tenant and original retained by SHA.

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

### Lease Terms

The rental agreement/lease for all Robert Lindsey Tower units will initially be for a 12-month period. Lease enforcement and eviction action will occur within the provisions of HUD Handbook 4350.3 Rev. 1 Change 4; Section 42 IRS LIHTC regulations; Oregon State Law, and the tenant lease agreement.

Note: SHA may not evict participant(s) who has been a victim of domestic violence, dating violence, sexual assault, or stalking if the participant otherwise qualifies for continued occupancy, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence, sexual assault, or stalking may be evicted from the unit. See Section 14 for more information.

All leases include as an attachment the RLT "House Rules" which cover items such as but not limited to: No-Smoking policy; required Section 42 lease provision requirements; Resident Procedural Rights; and Grievance Process.

## **SECTION 12 - REPORTING CHANGES IN FAMILY COMPOSITION**

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

A recertification will be conducted per Section 7 of this TSP.

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

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

## **SECTION 13 - INSPECTIONS**

Annual inspections will be completed on all units and will be required to meet local code and UPCS standards and per HUD Handbook 4350.3 Rev. 1 Change 4 and tenants will receive proper notice of the annual inspection per their lease and Oregon Tenant Landlord Law.

Due to the funding tied to the property (i.e. Section 8 PBRA and Low Income Housing Tax Credits); the investors and funders may require inspections of the property at times other than the regularly scheduled annual inspection date. In those cases, tenants will receive proper notice of any and all inspections, per their applicable lease and Oregon Tenant Landlord Law.

## SECTION 14 - EVICTIONS

Eviictions must be for “good cause” and will be issued within the provisions of the required HUD lease agreements and/or any and all addendums required by the HUD Handbook 4350.3 Rev. 1 Change 4, the OHCS LIHTC Compliance Manual, and Oregon Tenant Landlord Law.

SHA has the right to terminate tenancy for good cause per Oregon State Tenant Landlord law after three (3) late rent notices are issued in a 12 month period.

If SHA must issue an eviction notice for “good cause,” the notice will be served according to the HUD lease agreement and/or applicable LIHTC Section 42 regulations and/or Oregon Tenant Landlord Law.

Non-renewal of a lease agreement without “good cause” is prohibited.

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

### Penalties for a Tenant’s Non-disclosure of SSN

SHA must terminate the tenancy of a tenant and the tenant’s household if the tenant does not meet the SSN disclosure, documentation, and verification requirement in the specified timeframe as the household is in non-compliance with its lease.

This termination of tenancy includes those households who have not disclosed and verified the SSN for any child under the age of 6 who did not have a SSN when added to the household with the understanding that this SSN would be provided within 90 days after admission, or within the 90 day extensions period if applicable.

Proration of assistance is not allowed for those household members who are required to obtain a SSN but who fail to disclose and verify their SSN.

Termination of tenancy does not apply to those households with individuals who do not contend eligible immigration status or who are age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 (based on the effective date of the form HUD 50059 or form HUD 50058) unless there are other members of the household who have not disclosed or provided verification of their SSNs.

SHA may defer termination of tenancy and provide the tenant with an additional 90 days

past their regularly schedule recertification of income and family composition to become compliant with the SSN disclosure and verification requirements.

SHA will provide deferral of termination of tenancy only if failure to meet the SSN requirements was due to circumstances outside the control of the tenant and there is likelihood that the tenant will be able to disclose and provide verification of the needed SSN(s) by the deadline date. After the 90-day deferral, if the tenant has not disclosed and provided verification of the needed SSN(s), SHA will pursue termination of tenancy.

### Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

SHA may not terminate tenancy for a tenant (male or female) who has been a victim of domestic violence, dating violence, sexual assault, or stalking (per Section 22), if the tenant otherwise continues to qualify for tenancy, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence, sexual assault, or stalking may be terminated tenancy.

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

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

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

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

Eligible tenants may request a VAWA Emergency Transfer under Section 2 of this TSP.

## Termination Notice

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

- State the specific date the tenancy will be terminated;
- State the reasons for the action with enough detail to enable the tenant to prepare a defense;
- Advise the tenant that remaining in the unit on the termination date specified in the notice may result in the owner seeking to enforce the termination in court, at which time the tenant may present a defense;
- Advise the tenant that he or she has 10 days within which to discuss termination of tenancy. The 10- day period begins on the day that the notice is deemed effective; and

Notice will be served per the HUD Lease and per Handbook 4350.3 Rev. 1 Change 4, Chapter 8.

Tenants will be provided opportunity for an Informal Review/Hearing, per Exhibit II and per the Grievance Process included in the House Rules.

## Student Ineligibility (LIHTC Program)

If a participant household certifies and verifies at any time, that all household members are full time students, and that the household is not eligible for an exemption under Section 2, the household will be given notice to vacate the unit.

## Guests/Visitors

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

Tenants have the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease. The head of household is responsible for the conduct of visitors and guests inside the unit as well as anywhere on or near the premises.

A guest may remain in an assisted unit no longer than 14 consecutive days or a total of 14 cumulative calendar days during any 12-month period. A family may request an exception to this policy for valid reasons (i.e., care of a relative recovering from a medical procedure expected to last more than 14 consecutive calendar and/or

cumulative days in a 12 month period). An exception will not be made unless the family can identify and provide documentation to the satisfaction of SHA, of the residence to which the guest will return.

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

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

Guests who stay in an assisted unit for more than 10 hours at any time within a 24-hour period and use the amenities of the unit for any purpose (e.g., using the bathroom, taking showers, using laundry facilities, storing clothes, or using the unit for a mailing address) will be considered unauthorized occupants in violation of the lease. This includes guests who stay in an assisted unit only on weekends.

SHA will review the following types of documentation to help in its determination of a visitor's status:

- Absence of evidence of any other address will be considered verification that the visitor is a family member.
- Statements from neighbors, Police and/or any other reliable source will be considered in making the determination.
- Use of the unit address as the visitor's current residence for any reason shall be construed as their primary place of residence.

The burden of proof that the individual is not a guest rests entirely on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and SHA may take lease enforcement action.

### Non-smoking Policy

ROBERT LINDSEY TOWER has a non-smoking policy per this Tenant Selection Plan and the House Rules.

Tenants who do not abide by the No Smoking policy will be in violation of their lease, and SHA will take steps to terminate the lease.

## **SECTION 15 - RENT COLLECTIONS**

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

Rents are due and payable on or before the first of each month per the HUD Model Lease for Subsidized Programs form HUD-90105a.

If the tenant does not pay the full amount of the rent shown in paragraph 3 by the end of the 5<sup>th</sup> day of the month, SHA may collect a fee of \$5 on the 6<sup>th</sup> day of the month.

Thereafter, SHA may collect \$1 for each additional day the rent remains unpaid during the month it is due.

SHA may not terminate the lease for failure to pay late charges, however SHA may terminate the lease for non-payment of rent. SHA may collect \$3.50 on the second and any additional time a check is not honored for payment (bounces).

## **SECTION 16 - ACCOUNTING RECORDS**

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

## **SECTION 17 - MAINTENANCE AND REPAIR**

### Periodic Inspections

SHA, its funding partners, and/or their designated representatives will inspect each unit annually and at other times necessary to ensure that the tenant is meeting the obligation to maintain the unit and that units continue to meet compliance restrictions.

### Inventory

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

### Painting

The interior of the apartment will be painted as needed.

### Garbage Collection

A private firm will collect the garbage.

### Upkeep and Maintenance of Grounds

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

### Tenant's Responsibility to Maintain Dwelling

Tenants will be asked to report major and/or minor repair needs to SHA by calling the maintenance line that is provided in the House Rules.

Maintenance charges for tenant-caused damages due to accident, carelessness or neglect will be made in accordance with SHA's Schedule of Maintenance Charges.

Payment for Maintenance repairs will be due in full 30 days after the billing date.

## **SECTION 18 - ADJUSTMENT OF UTILITY ALLOWANCE**

Tenants will pay their utility bill for their individually metered electric usage.

SHA will calculate a utility allowance that will be applied to all units which will then be subtracted from the Tenants TTP and the tenants will pay the difference in their share of rent.

SHA will adjust the utility allowance in accordance with federal regulations applicable to the Section 8 PBRA program.

SHA will apply the adjusted UA; after receiving approval by HUD; at the beginning of each contract year when SHA processes any applicable change in the contract rent for the units.

## SECTION 19 - DENIAL OF ASSISTANCE

### Reasons for Denial

- Household does not meet the eligibility definition of family.
- An applicant's past performance in meeting financial obligations indicated inability to meet obligations to pay rent.
- History indicates a record of disturbing neighbors, destruction of property or living or housekeeping habits at prior residences, which adversely affected the health, safety or welfare of other tenants.
- A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which adversely affected the health, safety, or welfare of other tenants. See Drug- related and Violent Criminal Activity Chart in Section 3.
- A history or pattern of alcohol abuse to the extent that such abuse adversely affected the health, safety of welfare of other tenants.
- Household income exceeds the applicable income limit per Section 3.
- Full or part time students enrolled in an institution of higher education that is unable to meet the criteria for exception per Section 3.
- Households comprise 100% of full time students who are unable to verify they meet an exemption per Section 3.
- Applicants are using an unauthorized and/or invalid social security number, per Section 3.
- A family member who does not meet an exception as described in Section 4 and fails to disclose and verify social security numbers assigned to all family members or a family member who is not able to provide verification within the time frames described in Section 4.
- Household does not meet the other rental, credit, drug- related/ other criminal activity, or additional screening criteria per Section 3.
- An applicant at the top of the waiting list owes money to SHA, any other housing authority, or owner/manager of an assisted housing program and does not pay the debt in full within 10 days of notification from SHA.
- Any family member age 18 and above refuses to sign the HUD

9887/9887A General Release Consent form, 50059, or any other SHA required form, at any time the Housing Authority deems necessary to administer the applicable programs as designated to each individual unit.

- A family member, as a prior participant, has committed any fraud in connection with any federally assisted housing program.
- A member of the family has engaged in drug-related (use, sale, manufacture, or distribution) or violent criminal activity per the Drug-related and Violent Criminal Activity Chart in Section 3.
- It is verified that the unit for which the family is applying is not the family's only residence.
- The applicant fails to submit evidence (i.e. declaration) of eligible immigration status by the date specified by SHA.
- The applicant submits evidence of citizenship and eligible immigration status on a timely basis, but DHS primary and secondary documentation does not verify eligible immigration status of a family member; and
  - The family does not pursue a DHS appeal or informal hearing rights as provided in this Tenant Selection Plan, or
  - The family pursues a DHS appeal and informal hearing, but the final decision is against the family member.

### Ineligible Non-Citizens

SHA will deny assistance to non-citizens and/or ineligible non-citizens. Those family members who are denied assistance may initiate an appeal of the decision through DHS per the process described below. SHA will follow HUD requirement to ensure that only U.S. citizens and eligible non-citizens receive federal housing assistance.

### Continuing Assistance

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

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

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

### Other Reasons for Denial

Required evidence for denial will be based on preponderance of evidence, defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it (i.e., evidence which as a whole shows that the fact sought to be proved is more probable than not). The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. When other factual evidence cannot be considered, testimony from neighbors may be considered as credible evidence. Other credible evidence includes documentation of drug raids, knock and talks, and/or arrest warrants.

### Notice to Applicant

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

The written rejection notice will include all of the following:

- The specifically stated reason(s) for the rejection
- Statement of applicant's right to respond to the owner in writing or request a meeting within 14 days from the date of the rejection letter to dispute the rejection (Section 8 Project-based/Tax Credit Units only)
- The applicant's right to declare if they are a victim\*\* of domestic violence, dating violence, sexual assault, or stalking
- The family may be eligible for prorated assistance;
- Tenants, but not applicants may be eligible to obtain relief under the provisions for preservation of families.
- The family has a right to request an appeal to the DHS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal.
- The family has a right to request an informal hearing with SHA either upon completion of the DHS appeal or in lieu of the DHS appeal (the family can take advantage of two types of appeal).
- The notice of denial will advise that if they have failed the primary and secondary verification and submitted an appeal to the DHS, but the DHS process has not been concluded, and the applicant will receive assistance

in a timely manner. Once the DHS appeal process is complete, and the family receives a negative decision on the DHS appeal, SHA may delay assistance while providing the family with an opportunity for an informal meeting to appeal the decision.

\*\*Applicants declaring such domestic violence, dating violence, sexual assault, or stalking status must complete and submit the HUD Certification form HUD-50066 as well as provide any of the following information within 14 business days of the request for certifying victim status:

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

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

### Meetings to Discuss Denials

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

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

### DHS Appeal Process

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

If the family has additional documentation or written explanation to support the appeal, the family will submit it directly to the DHS office. Form DHS G-845 S (used by SHA to

process the secondary verification request) or any other form specified by the DHS, and a cover letter stating that the family is requesting an appeal of the DHS immigration status verification results.

The DHS will issue a decision within 30 days of its receipt of documentation concerning the family's appeal of the verification of immigration status. The notice will be sent to the family, and a copy will be sent to SHA. If, for any reason, the DHS is unable to issue a decision within 30 days, the DHS will inform the family and SHA of the reason for the delay.

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

Until any appeal made to the DHS is resolved, SHA will not delay, deny, reduce, or terminate assistance on the basis of immigration status.

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

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

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

## SECTION 20 - TERMINATION OF ASSISTANCE

### Reasons for Termination

- Any tenant age 18 or above fails to provide required information at the time of recertification, including changes in family composition, or changes in income or social security numbers for new family members.
- Any tenant age 18 or above fails to sign/submit required consent and verification forms (i.e. form HUD-9887 and form HUD 9887-A; applicant/tenant questionnaire).
- An annual or interim recertification determines that the tenant has an increased ability to pay the full contract rent.
- Any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence, sexual assault, or stalking may be terminated assistance.
- SHA in compliance with federal law (HUD memo dated 24 September 1999) will deny assistance to applicants who are current users of medical marijuana.
- SHA reserves the right to deny assistance to or terminate housing assistance of a participating family if SHA determines that a household member 1) is using medical marijuana; or 2) is growing medical marijuana for any purpose, whether licensed or not. The State of Oregon provides users of medical marijuana with information on how to obtain medical marijuana from licensed providers so it is not necessary for holders of medical marijuana cards to grow their own crops.
- SHA will terminate the assistance of a participant family if any family member uses an unauthorized and/or invalid social security number.

### Ineligible Students

If, in a household that is currently receiving Section 8 Project Based Rental Assistance (PBRA), the owner determines that one of the household members is an ineligible student, the assistance for that household must be terminated in accordance with established requirements in Chapter 8 of Handbook 4350.3 Rev. 1 Change 4 and the household will be given a 30 day notice that their rent is being increased to the contract rent for the unit. The assistance will remain terminated as long as the ineligible student remains in the household. Should the ineligible student move out, the household would again be eligible for Section 8 PBRA.

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

#### When Unable to Establish Citizenship or Eligible Immigration Status

When SHA is unable to establish citizenship or eligible immigration status of family members, termination of assistance will be handled per HUD Handbook 4350.3 Rev. 1 Change 4, Chapter 8.

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

If SHA terminates assistance based on a determination that a tenant has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit; such termination of assistance will be handled per HUD Handbook 4350.3 Rev. 1 Change 4, Chapter 8.

#### Notice

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

The written notice will include:

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

The notice will be served by sending a letter by first class mail, properly stamped and addressed and including a return address, to the tenant at the unit address. A copy of the notice will also be delivered to any adult person answering the door at the unit. If no adult answers the door, the person serving the notice may place it under or through the door, or affix it to the door.

The date on which the notice is deemed received by the tenant is the later of the date the first class letter is mailed, or the date the notice is properly given.

Service of the notice is deemed effective once the notice has been both mailed and hand delivered.

#### Reinstating Assistance

SHA may reinstate a tenant's terminated assistance if the original termination of assistance was due to the tenant's failure to recertify or an increased ability to pay, *and* the original termination of assistance was not due to fraud; the tenant is otherwise eligible for assistance; and the tenant submits the required information.

### Exceptions to Termination

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

- The primary (automated) and secondary (manual) verification search of any immigration documents that were submitted in time have not been completed by the DHS;
- The family member for whom required evidence has not been submitted has moved from the assisted dwelling unit;
- The DHS appeals process under 24 CFR 5.514(e) has not be concluded.

### When All Household Members Are Not US Citizens and/or Eligible Non-immigrants

- Assistance is prorated in accordance with 24 CFR 5.520;
- Assistance for a mixed family is continued in accordance with 24 CFR 5.516 and 24 CFR 5.518; and
- Deferral or termination of assistance is granted in accordance with 24 CFR 5.516 and 24 CFR 5.518.

### VAWA Exceptions

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

SHA may not terminate assistance for a tenant (male or female) who has been a victim of domestic violence, dating violence, sexual assault, or stalking (per Section 17), if the tenant otherwise continues to qualify for tenancy, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence, sexual assault, or stalking may be terminated assistance.

SHA may bifurcate the lease to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or others without evicting victimized lawful occupants, however, nothing limits the ability of SHA to evict or terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, if SHA can

demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

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

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

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

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

## **SECTION 21 – COMPLIANCE WITH 504 ACCESSIBILITY REQUIREMENTS**

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

## SECTION 22 -TENANT INCOME CERTIFICATIONS

### ***Applicable to the Low Income Housing Tax Credit Program***

#### Initial Certifications

After obtaining, verifying, and computing all income and asset information, a Tenant Income Certification (TIC) is prepared and all household members age 18 and above and a representative of the Housing Authority are required to sign the TIC before signing the lease, but in no case more than ten (10) days prior to move-in. Note: SHA must also generate a 50059 for sending statistical data to HUD via TRACs for the Section 8 Project Based Assistance Program.

#### Recertifications

All units must have a 1<sup>st</sup> year annual certification completed within one year of their move-in date. The original move-in date must be carried over onto all subsequent recertifications (applicable to units designated as Tax Credit – all other effective dates will be the first of the anniversary month). Annual 1<sup>st</sup> year recertification TICs must be signed by all household members age 18 and above and also be signed by a representative of the Housing Authority; any time after all verifications have been collected, but no later than the effective date of the recertification. In no case can the TIC be signed more than 120 days prior to the effective date.

Units must also have a 50059 generated for 1<sup>st</sup> year annual recertifications for sending to TRACs for the Section 8 PBRA program..

#### Other Certifications

TICs will be generated as directed per the OHCS LIHTC Manual and/or any other instruction from OHCS.

## SECTION 23 – DEFINITION OF TERMS

### 50059 Data Requirements

The 50059 requirements list and describe the data that owners are required to collect from applicants and tenants, and the calculations owners will perform to certify tenant eligibility and tenant rents. This data is submitted electronically to the Tenant Rental Assistance Certification Systems (TRACS) through Contract Administrators or HUD.

### Accessible

When used with respect to any portion of the facility outside the unit, accessible facilities or portions of facilities can be used by individuals with a physical impairment.

When used with respect to the dwelling unit, accessible units can be approached, entered, and used by individuals with a physical impairment. A unit that is on an accessible route, adaptable, and otherwise in compliance with 24 CFR 8.32 is accessible.

### Accessible Route

A continuous, unobstructed path connecting accessible elements and spaces that can be negotiated by a person with a severe disability using a wheelchair, and is also safe for and usable by others with other disabilities.

### Adaptability

The ability of elements of a dwelling unit to be altered to accommodate the needs of people with or without disabilities, or with different types or degrees of disability.

### Adjusted Income (Applicable to Section 8 PBRA Program)

Annual income (as determined by SHA) of the members of the family residing or intending to reside in the dwelling unit, after making allowed deductions per the HUD Handbook 4350.3 Rev. 1 Change 4. See definition of “deductions” in this Section.

### Annual Income

All amounts, monetary or not, that:

- Go to, or on behalf, the family head or spouse (or co-head), even if temporarily absent, or to any other family member;
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date;
- Are not specifically excluded (by regulation).
- Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

### Applicant

Person(s) age 62 or above who is head; spouse; co-head or sole family member of a

family that has applied for housing assistance.

### Application

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

### Assistance Payment

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

### Assisted Tenant

A tenant who pays less than the market rate (e.g. Contract Rent) via the Section 8 PBRA program.

### Assistance Animals

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

### Auxiliary Apparatus

Service or device that enables persons with impaired sensory, manual or speaking skills to have equal opportunity to participate in and/or enjoy the benefits of programs or activities receiving federal financial assistance. Examples, but not limited to: Readers; brailled materials, audio recordings; and telephone handset amplifiers.

### Citizen

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

### Co-Head of Household

An adult member of the family who is treated the same as a head of the household for

purposes of determining income, eligibility, and/or rent.

#### Common Household Pet

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

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

#### Covered Person

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

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

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

#### Dating Violence

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

#### Deductions

In determining adjusted income, the owner will deduct the following from annual income \$480 for each dependent and \$400 for an elderly family or disabled family member.

The sum for the following to the extent they exceed 3% of annual income will also be deducted:

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

- Un-reimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member or the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by the family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and
- Any reasonable childcare expenses necessary to enable the family member to be employed or to further his or her education. (24 CFR 5.611)

### Denial of Tenancy or Assistance

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

### Dependent

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

### Disabled Family

A family in which one or more members is a person with disabilities.

### Displaced Family

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

### Displaced Person

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

### Domestic Partnership

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

### Domestic Violence

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

### Drugs

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

### Drug Related Criminal Activity

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

### Elderly Family

- Household of two or more persons, where the Head of Household; Spouse; and/or co-head is 62 years of age or older; or
- A single person who is 62 years of age or older; or
- Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based on a licensed physician's certification provided by the family, to be essential to their care or well-being or
- A family including one or more persons who are least 62 years of age, which may include a member under the age of 18

### Elderly Person

A person at least 62 years of age.

### Eligible Non-citizen

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

- A non-citizen lawfully admitted for permanent residence, as defined by section 101(a)(20) of the immigration and Nationality ACT (INA), as an immigrant, as defined by section 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and U.S.C. 1101(a)(15), respectively) [immigrants]. (This category included a non-citizen admitted under section 210 or 210A or the INA (U.S.C. 1160 or 1161) [special agricultural worker], who has been granted lawful temporary resident status.
- A non-citizen who entered the United States before January 1, 1972, or such late date as enacted by law, and has continuously maintained residence in the United States since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General

- under section 249 of the INA (8 U.S.C.1259);
- A non-citizen who is lawfully present in the United States pursuant to an admission under section 207 of the INA (8 U.S.C. 1157) [refugee status]; pursuant to the granting of asylum (which has not been terminated under section 208 of the INA (8 U.S.C. 1158) [asylum status]; or as a result of being granted conditional entry under section (a)(7) of the INA (8 U.S.C. 1153 (7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity;
- A non-citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reason deemed strictly in the public interest under section 212(d)(5) of the INA (U.S.C. 1882(d)(5) [parole status];
- A non-citizen who is lawfully present in the United states as a result of the Attorney General’s withholding deportation under section 243(h) of the INA (8 U.S.C.(h)) [threat to life or freedom];
- A non-citizen lawfully admitted for temporary or permanent residence under section 245A of the INA (8 U.S.C. 1255A) [amnesty granted under INA 245A]; or
- A non-citizen who is a lawful resident of the United States and its territories and possessions under Section 141 of the Compacts Free Association between the United States government and the Governments of the Marshall Islands, the Federated States of Micronesia and Palau (collectively referred to as “The Freely Associated States” (FAS)) [Section 3(b) of Public Law 106 – 504]. A non-immigrant student, while lawfully admitted to the United States, is not eligible.

#### Enterprise Income Verification (EIV)

HUD’s computer system that must be used by owners as third party verification of employment and income during mandatory recertifications of family composition and income and to reduce administrative and subsidy payment errors.

#### Eviction

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

#### Evidence of Citizenship or Eligible Status

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

#### Expected to Reside

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

### Extremely Low Income Family

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

### Fair Housing Act

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

### Familial Status

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

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

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years (24 CFR 100.20).

### Family

Family includes, but is not limited to:

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

An elderly family;

A near elderly family;

A disabled family;

A displaced family;

The remaining member of a tenant family; or

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

### Family Composition

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

### Financial Assistance

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

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

Assistance from private sources.

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

From an institution of higher education.

This requires a reference to a particular institution and the institution's listing of financial assistance. Financial assistance does not include loan proceeds, therefore, the Perkins, Stafford and Plus loans under the Higher Education Act of 1965 are not considered as financial assistance.

Foster Adult

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

Foster Children

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

Fraud

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

Gender Identity

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

Gross Rent

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

### Gross Rent Change

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

### Guest

A person temporarily staying in a unit with the consent of the tenant or another member of the household who has express or implied authority to consent on behalf of the tenant. [24 CFR 5.100] A guest is a temporary visitor of the tenant's and should not be confused with an unauthorized occupant. Additionally, a guest is not a party to the lease agreement. See Section 14.

### Hardship Exemption

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

### Head of Household

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

### Housing Assistance Payment (HAP)

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

### Immediate Family Member

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

### Improper Payment

An improper payment is any payment that should not have been made or that was made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements. Incorrect amounts are overpayments and underpayments (including inappropriate denials of payment or service). An improper payment includes any payment that was made to an ineligible recipient or for an ineligible service, duplicate payments, payments for services not received, and payments that are for the incorrect amount. In addition, when an agency's review is unable to discern wither a payment was proper as a result of insufficient or lack of documentation, this payment must also be considered an error.

### Income Limit

HUD establishes income limits that are used to determine whether housing applicants qualify for admission to HUD subsidized and/or HUD funded properties. These income limits are based on HUD estimates for area median family income with certain statutorily permissible adjustment.

Different programs use different income limits.

Income limits are also published for the Low Income Housing Tax Credit Program; which are used to determine whether housing applicants qualify to reside in a LIHTC funded unit.

When a unit has both HUD funding and LIHTC's; the more restrictive income limit will apply.

#### Income Targeting

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

#### Independent Public Auditor

A Certified Public Accountant or a licensed or registered public accountant, having no business relationship with the private owner except for the performance of audit, systems work, and tax preparation.

#### Independent Student

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

- a. The individual is 24 years of age or older by December 31 of the award year;
- b. 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;
- c. 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;
- d. The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- e. The individual is a graduate or professional student;
- f. The individual is a married individual;
- g. The individual has legal dependents other than a spouse;
- h. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless

Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by—

- (i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
- (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
- (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
- (iv) a financial aid administrator;

The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

#### Institution of Higher Education

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

#### Lease

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

#### Live in aide

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

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

#### Minimum Rent

The lowest total tenant payment permitted for tenants receiving Section 8 assistance. The minimum rent is \$25 and is used when 30% of the adjusted monthly income and 10% of the gross monthly income are all below \$25.

#### Mixed Family

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

#### National

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

#### Non-citizen

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

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

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

#### Parent

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

#### Participant

A family becomes a participant when the Housing Authority executes a lease on behalf of the family. Preliminary Application (Waiting List Request)

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

#### Premises

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

#### Prorated Assistance

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

#### Remaining member of a Tenant Family

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

#### Screening

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

#### Security Deposit

A payment required by an owner to be held during the term of the lease (or the time period the tenant occupies the unit) of offset damages incurred due to the actions of the tenant. Such damages may include physical damages to the property, theft of property, and failure to pay back rent.

Forfeiture of the deposit does not absolve the tenant of further financial liability.

#### Service Animals

See Assistance Animals.

#### Sexual Orientation

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

#### Source of Income

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

#### Stalking

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

#### Sexual Assault

Any nonconsensual sexual act proscribed by Federal, State, or local law, including when the victim lacks capacity to consent.

#### Tenant

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

#### Tenant Rent

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

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

#### Termination of Assistance

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

#### Termination of Tenancy

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

#### Total Tenant Payment

The total amount the HUD rent formula requires the tenant to pay toward the gross rent. Total Tenant Payment is computed in accordance with the formula in HUD handbook 4350.3 Rev. 1 Change 4.

#### Tuition

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

#### Unearned Income

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

#### Unintentional Program Violation

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

#### Utility Allowance

HUD's approved estimate of the average monthly utility bills (i.e. electricity; gas; oil for heating; cooking) for an energy conscious household. This estimate considers only utilities that are paid directly by the tenant. If all utilities are included in the rent, there is not a utility allowance. Utility allowances vary by unit type and are listed in the project's rent schedule or HAP contract.

#### Utility Reimbursement

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

#### VAWA

The Violence Against Women Act and Department of Justice Reauthorization Act of 2005 as this law amended the U.S. Housing Act of 1937.

#### Very Low-Income Family

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

#### Veteran

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

Violent Criminal Activity

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

Waiting List

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

Welfare Assistance (Also known as TANF or Temporary Aid to Needy Families)

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

## **SECTION 24 - TENANT REPAYMENT OF UNREPORTED OR UNDERREPORTED INCOME**

### Tenant's Obligation to Reimburse

Tenants are obligated to reimburse SHA if they are charged less rent than required by HUD's rent formula due to underreporting or failure to report income.

The tenant is required to reimburse SHA for the difference between the rent that should have been paid and the rent that was charged.

Note: Tenants are not required to reimburse SHA for undercharges caused solely by SHA's failure to follow HUD's procedures for computing rent or assistance payments. (See Chapter 8, of HUD Handbook 4350.3 Rev. 1 Change 4, addressing owners and agents obligation to reimburse HUD for overpayments of assistance due to the owner's failure to follow HUD's procedures.)

### Repayment Options

Tenants can repay amounts due:

- (1) In a lump sum payment; or
- (2) By entering into a repayment agreement with the SHA; or
- (3) A combination of (1) and (2), above.

Example: A tenant may owe \$1,000, make a lump sum payment of \$300, and enter into a repayment agreement for the remaining \$700.

Tenants who do not agree to repay amounts due in accordance with this TSP will be in non-compliance with their lease agreement and may be subject to termination of tenancy. (See Chapter 8 of Handbook 4350.3 Rev 1 Change 4.)

Tenants may also be required to repay funds to SHA due to a:

- (1) Civil action taken by the O/A, or
- (2) Court action as a result of an OIG audit.

### Repayment Agreements

The tenant and SHA must both agree on the terms of the repayment agreement.

The tenant may wish to consult with HUD's Housing Counseling Agency in their area to assist them in working with SHA to reach agreeable terms for the repayment agreement. See the Housing Counseling Agency website for a listing of agencies for each state at <http://www.hud.gov/offices/hsg/RLTh/hcc/hcs.cfm>

## Monthly Payment

The tenant's monthly payment must be what the tenant can afford to pay based on the family's anticipated annual income.

The monthly payment plus the amount of the tenant's total tenant payment (TTP) at the time the repayment agreement is executed should not exceed 40 percent of the family's monthly adjusted income.

Example:

- Family's monthly adjusted income is \$1,230.
- Family's monthly total tenant payment (TTP) is \$369 (30% of the family's monthly adjusted income).
- 40% of the family's monthly adjusted income is \$492.
- The monthly payment for the repayment agreement should not exceed \$123 per month ( $\$492 - \$369 = \$123$ ) ( $\$369$  monthly TTP + \$123 repayment = \$492, 40% of the family's monthly adjusted income.)

## Repayment Time Period

The time period for repayment by the tenant of the amount owed.

Example: The tenant agrees to repay \$1,000, and agrees to monthly payments of \$25.  $\$1,000/\$25 = 40$  months (time period).

## Repayment Agreement Requirements

Effective July 1, 2010, new repayment agreements must:

- Include the total retroactive rent amount owed, the amount of lump sum paid at time of execution of the agreement, if applicable, and the monthly payment amount;
- Reference the paragraphs in the lease whereby the tenant is in non-compliance and may be subject to termination of their lease;
- Contain a clause whereby the terms of the agreement will be renegotiated if there is a decrease or increase in the family's income of \$200 or more per month;
- Include a statement that the monthly retroactive rent repayment amount is in addition to the family's monthly rent payment and is payable to SHA.;
- Contain a statement that late and missed payments constitute default of the repayment agreement and may result in termination of assistance and/or tenancy; and
- Be signed and dated by the tenant and SHA representative.

SHA must not apply a tenant's monthly rent payment towards the repayment amount owed that would result in an accumulation of late rent payments.

The monthly payment due on the repayment agreement is in addition to the tenant's monthly rent payment.

#### Disposition of Funds Received by SHA

SHA is required to reimburse funds collected from the tenant to HUD in accordance with the requirements in Chapter 8, Handbook 4350.3 Rev. 1 Change 4.

SHA will add Miscellaneous Accounting Requests to the housing assistance payments (HAP) voucher (form HUD-52670), should a repayment occur.

After verifying the tenant's income, SHA will complete corrections to a prior certification(s) affected by the income change. SHA will not fail to correct the prior certification(s) in an attempt to avoid having large negative adjustments appear on the HAP voucher.

#### Voucher Adjustments

If the tenant is able to pay the entire amount due in one lump sum payment, no Miscellaneous Accounting Request is needed.

If the tenant pays a lump sum payment and enters into a repayment agreement for the remaining amount due, SHA must first reverse the adjustment created by correcting the prior certification(s) less the lump sum payment by adding an SHA initiated accounting adjustment (Owner Agent Request - OARQ) Miscellaneous Accounting Request to the voucher.

Example:

If the total adjustment is -\$1,240 (indicating that \$1,240 in subsidy is being returned to HUD) and the tenant pays \$480 in a lump sum, the OARQ request is for \$760 (\$1,240 - \$480). The comment field must be completed describing the transaction, e.g. "Reversal of adjustments subject to repayment – Unit 1023 - John Smith."

## **Exhibit I: Informal Review and Hearing Procedure**

An opportunity for an informal review/hearing will be given to Applicants and/or Participants who request such a review in writing, by phone or in person within 14 days of the written notice of the adverse action. Applicants/participants will receive notice in writing; specifying the action being taken, the reason for the adverse action, as well as any effective date said action is to take place. Applicants/participants may request the review be conducted in person; by phone or by written communication. Applicants/participants who are persons with disabilities, the notice will be in a form accessible to the applicant/participant and if a request is made in person, the meeting will be held in a location accessible to the applicant/participant.

Informal review/hearings will be conducted in accordance with the following rules:

- The review/hearing will be conducted by person(s) designated by the Housing Authority other than the person who made or approved the decision under review or a subordinate of such person.
- The person(s) conducting the review/hearing may regulate the conduct of the hearing in accordance with Housing Authority procedures.
- The Applicant/Participant may be represented at his/her own expense, by a lawyer or other representative.
- Evidence may be presented by the Housing Authority and by the Applicant/Participant. Evidence may be considered without following judicial proceedings for rules of evidence.
- The person(s) conducting the review/hearing must provide the Applicant/Participant the notice of decision, within five (5) days of the review/hearing. The notice of the decision must briefly state the reason(s) for the decision. Factual determinations shall be based on evidence provided at the review/hearing.

The Housing Authority is not required to provide an opportunity for an informal review/hearing in the following instances:

- Discretionary-administrative determinations by the Housing Authority or to consider general policy issues or class grievances.

The Housing Authority will not be bound by a hearing decision in the following situations:

- If a decision is made about a matter for which the Housing Authority is not required to provide a hearing; or,
- If a decision is contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.

## **Exhibit 2: Salem Housing Authority Statement of Non-Discrimination**

The Housing Authority of the City of Salem does not discriminate against any person due to disability; race; color; religion; sex; source of income; familial status; national origin; or actual or perceived sexual orientation, gender identity, marital status and/or domestic partnership in accessing, applying for or receiving assistance, or in treatment or employment in any of its programs and activities.

All public meetings are held in accessible locations. Appropriate aids (assistive listening device, interpreters, readers, assistance filling out forms, etc.) will be provided upon request. Complaints regarding accessibility of the Authority's programs to individuals with disabilities should be submitted in writing to Dominique Donaho, Salem Housing Authority, 360 Church St SE, Salem OR 97301-3707, [ddonaho@cityofsalem.net](mailto:ddonaho@cityofsalem.net). Questions or comments may be made by phone at 503-587-4815, or TDD Users dial 711. Requests for aid may also be directed to a SHA representative or other appropriate employee.

The Fair Housing Act prohibits discrimination in the sale, rental or financing of housing on the basis of race, color, religion, sex, disability, familial status, national origin, lesbian, gay, bi-sexual and transgender individuals. Federal law also prohibits discrimination on the basis of age. Complaints of discrimination may be forwarded to the Administrator, Office of Fair Housing and Equal Opportunity, U.S. Department of HUD, Washington, D.C. 20410.

HUD Notice 2002-01 states the obligation of Federal fund recipients to comply with pertinent laws and implementing regulations which provide for non-discrimination and accessibility in Federally funded housing and non-housing programs for people with disabilities. The Salem Housing Authority Title VI Plan delineates authorities for the Housing Authority's non-discrimination policy, authorities, assurances, complaint process, and staffing.

**Exhibit 3: Acceptable Forms of Verification  
Excerpt from HUD Handbook 4350.3 Rev. 1 Change 4**

	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Age.  *(See Chapter 3, Paragraph 3-28.C)*	None required.	None required.	None required.	Birth Certificate Baptismal Certificate Military Discharge papers Valid passport Census document showing age Naturalization certificate Social Security Administration Benefits printout		

<sup>a</sup>**NOTE:** Requests for verification from \*a third party source\* must be accompanied by a Consent to Release form \*HUD-9887-A\*.

<sup>b</sup>**NOTE:** If the original document is witnessed but is a document that should not be copied, the owner should record the type of document, any control or serial numbers, and the issuer. The owner should also initial and date this notation in the file.

<sup>c</sup>**NOTE:** For all oral verification, file documentation must include facts, time and date of contact, and name and title of the third party.

<sup>d</sup>**NOTE:** For use of EIV Income Reports as third party verification of employment and income a current Consent for Release form HUD-9887 must be on file.\*

<sup>e</sup>**NOTE:** See examples and requirements found in Paragraph 5-13.B.1

	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
<p>Alimony or child support.</p> <p>*(See Chapter 5, Paragraphs 5-6.F and 5-10.F)*</p>	<p>Copy of separation or divorce agreement provided by ex- spouse or court indicating type of support, amount, and payment schedule.</p> <p>Written statement provided by ex- spouse or income source indicating all of above.</p> <p>If applicable, written statement from court/attorney that payments are not being received and anticipated date of resumption of payments.</p>	<p>Recent original letters from the court.</p>	<p>Telephone or in- person contact with ex-spouse or income source documented in file by the owner.</p>	<p>Copy of most recent check, recording date, amount, and check number.</p>	<p>Notarized statement or affidavit signed by applicant indicating amount received.</p> <p>If applicable, notarized statement or affidavit from applicant indicating that payments are not being received and describing efforts to collect amounts due.</p>	<p>Amounts awarded but not received can be excluded from annual income only when applicants have made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments.</p>

<sup>a</sup>**NOTE:** Requests for verification from \*a third party source\* must be accompanied by a Consent to Release form \*HUD-9887-A\*.

<sup>b</sup>**NOTE:** If the original document is witnessed but is a document that should not be copied, the owner should record the type of document, any control or serial numbers, and the issuer. The owner should also initial and date this notation in the file.

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	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Assets disposed of for less than fair market value.  *(See Chapter 5, Paragraph 5-7.G.8)*	None required.	None required.	None required.	None required.	Certification signed by applicant *and/or tenant* that no *family* member has disposed of assets for less than fair market value during *the* preceding two years.  If applicable, certification signed by the owner of the asset disposed of that shows:  Type of assets disposed of;  Date disposed of;  Amount received; and  Market value of asset at the time of disposition.	Only count assets disposed of within a two-year period prior to *certification or recertification.*

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	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Auxiliary apparatus.  *(See Chapter 5, Paragraph 5-10.C)*	Written verification from source of costs and purpose of apparatus.  Written certification from doctor or rehabilitation agency that use of apparatus is necessary to employment of any family member.  In a case where the disabled person is employed, statement from employer that apparatus is necessary for employment.	Copies of receipts.	Telephone or in- person contact with these sources documented in file by the owner.	Evidence of periodic payments for apparatus.	Not appropriate.	The owner must determine if the expense is to be considered a medical or disability assistance.

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<sup>b</sup>**NOTE:** If the original document is witnessed but is a document that should not be copied, the owner should record the type of document, any control or serial numbers, and the issuer. The owner should also initial and date this notation in the file.

<sup>c</sup>**NOTE:** For all oral verification, file documentation must include facts, time and date of contact, and name and title of the third party.

<sup>d</sup>**NOTE:** For use of EIV Income Reports as third party verification of employment and income a current Consent for Release form HUD-9887 must be on file.\*

<sup>e</sup>**NOTE:** See examples and requirements found in Paragraph 5-13.B.1

	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Care attendant for disabled family members.  *(Paragraph 5-10.C)*	Written verification from attendant stating amount received, frequency of payments, hours of care.  Written certification from doctor or rehabilitation agency that care is necessary to employment of family member.	Copies of receipts.	Telephone or in- person contact with source documented in file by the owner.	Cancelled checks indicating payment amount and frequency.	Notarized statement or signed affidavit attesting to amounts paid.	The owner must determine if this expense is to be considered a medical or disability assistance.

<sup>a</sup>**NOTE:** Requests for verification from \*a third party source\* must be accompanied by a Consent to Release form \*HUD-9887-A\*.

<sup>b</sup>**NOTE:** If the original document is witnessed but is a document that should not be copied, the owner should record the type of document, any control or serial numbers, and the issuer. The owner should also initial and date this notation in the file.

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	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
<p>Child care expenses (including verification that a family member who has been relieved of child care is working, attending school, or looking for employment).</p> <p>*(Paragraph 5-10.B)*</p>	<p>Written verification from person who provides care indicating amount of payment, hours of care, names of children, frequency of payment, and whether or not care is necessary to employment or education.</p> <p>Verification of employment as required under Employment Income.</p> <p>Verification of student status (full or part-time) as required under Full-Time Student Status.</p>	<p>Copies of receipts</p>	<p>Telephone or in-person contact with these sources (child care provider, employer, school) documented in file by the owner.</p>	<p>Cancelled checks indicating payments.</p> <p>For school attendance, school records, such as paid fee statements that show that the time and duration of school attendance reasonably corresponds to the period of child care.</p>	<p>For verification of looking for work, details of job search effort as required by owner's written policy.</p>	<p>Allowance provided only for care of children 12 and younger.</p> <p>When same care provider takes care of children and disabled person, the owner must prorate expenses accordingly.</p> <p>Owners should keep in mind that costs may be higher in summer months and during holiday periods.</p> <p>The owner must determine which family member has been enabled to work.</p> <p>Care for employment and education must be prorated to compare to earnings.</p>

<sup>a</sup>**NOTE:** Requests for verification from \*a third party source\* must be accompanied by a Consent to Release form \*HUD-9887-A\*.

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<sup>c</sup>**NOTE:** For all oral verification, file documentation must include facts, time and date of contact, and name and title of the third party.

<sup>d</sup>**NOTE:** For use of EIV Income Reports as third party verification of employment and income a current Consent for Release form HUD-9887 must be on file.\*

<sup>e</sup>**NOTE:** See examples and requirements found in Paragraph 5-13.B.1

	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Citizenship  *(See Chapter 2)					Citizens must sign declaration certifying U.S. Citizenship.	Owners may require applicants/residents to provide verification of citizenship.
Current net family assets.  *(See Chapter 5, Paragraph 5-7.C)*	Verification forms, letters or documents received from financial institutions, stock brokers, real estate agents, employers indicating the current value of the assets and penalties or reasonable costs to be incurred in order to convert nonliquid assets into cash.	Passbooks, checking, or savings account statements, certificates of deposit, property appraisals, stock or bond documents, or other financial statements completed by financial institution.  Copies of real estate tax statements, if tax authority uses approximate market value.  Copies of real estate closing documents that indicate distribution of sales proceeds and settlement costs.	Telephone or in- person contact with appropriate source, documented in file by the owner.	Quotes from attorneys, stockbrokers, bankers, and real estate agents that verify penalties and reasonable costs incurred to convert asset to cash.	Notarized statement or signed affidavit stating cash value of assets or verifying cash held at applicant's home or in safe deposit box.	Use current balance in savings accounts and average monthly balance in checking accounts for last 6 months.  Use cash value of all assets (the net amount the applicant would receive if the asset were converted to cash).  <b>NOTE:</b> This information can usually be obtained simultaneously when verifying income from assets and employment (e.g., value of pension).

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	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Disability status.  *(Paragraph 3-28.B)*	Verification from  *appropriate source  of information* stating that individual qualifies under the definition of disability.	Not appropriate.	Telephone or in- person contact with medical professional verifying qualification under the federal disability definition and documentation in the file of the conversation.	Not appropriate.	Not appropriate.	If a person receives Social Security Disability solely due to a drug or alcohol problem, the person is not considered disabled under housing law. A person that does not receive Social Security Disability may still qualify under the definition of a person with disabilities.  Owners must not seek to verify information about a person's specific disability other than obtaining a professional's opinion of qualification under the definition of a person with disabilities.

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	ACCEPTABLE SOURCES					
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	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Dividend income and savings account interest income.  *(See Chapter 5, Paragraph 5-7)*	Verification form completed by bank.	Copies of current statements, bank passbooks, certificates of deposit, if they show required information (i.e., current rate of interest).  Copies of Form 1099 from the financial institution, and verification of projected income for the next 12 months.  Broker's quarterly statements showing value of stocks/bonds and earnings credited to the applicant.	Telephone or in- person contact with appropriate party, documented in file by the owner.		Notarized statement or signed affidavit stating dividend income and savings account interest income.	The owner must obtain enough information to accurately project income over next 12 months.  Verify interest rate as well as asset value.

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	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
<p>Employment Income including tips, gratuities, overtime.</p> <p>*(See Chapter 5, Paragraph 5-5.A and C and Paragraph 5-6.)*</p>	<p>*EIV Income Report (mandatory)*</p> <p>Verification form completed by employer. See Paragraph 9-10 for situations when this method of verification must be used prior to verifying through an original or authentic document generated by a third-party source.</p>	<p>W-2 Forms, if applicant has had same employer for at least two years and increases can be accurately projected.</p> <p>Paycheck stubs or earning statements.</p>	<p>Telephone or in- person contact with employer, specifying amount to be paid per pay period and length of pay period. Document in file by the owner.</p>		<p>Notarized statements or affidavits signed by applicant that describe amount and source of income.</p>	<p>*It is mandatory that the EIV Income Report be used as third-party verification of employment and income (24 CFR 5.233).*</p> <p>Always verify: frequency of gross pay (i.e., hourly, biweekly, monthly, bimonthly); anticipated increases in pay and effective dates; overtime.</p> <p>Require most recent *4-6* consecutive pay stubs; do not use check without stub.</p> <p>For a fee, additional information can be obtained from The Work Number 800-996-7556; FirstAmerican Registry 800-999-0350; and Verifax 800-969-5100. Fees are valid project expenses. Information does not replace third-party verification.</p>

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	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
Family composition.  *(See Chapter 3, Paragraph 3-27)*	None required.	None required.	None required.	Birth certificates Divorce actions Drivers' licenses Employer records Income tax returns Marriage certificates School records Social Security Administration records Social service agency records Support payment records Utility bills Veterans Administration (VA) records		An owner may seek verification only if the owner has clear written policy.

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<ul style="list-style-type: none"> <li>Family type.  (Information verified only to determine eligibility for project, preferences, and allowances.)  *(See Chapter 3, Paragraph 3-28)*</li> </ul>	<p>Disability Status: statement from physician or other reliable source, if benefits documenting status are not received. See paragraph 3.25 B.1 for restrictions on this form of verification.</p> <p>Displacement Status: Written statement or certificate of displacement by the appropriate governmental authority.</p>		Telephone or in- person contact with source documented in file by the owner.	<p>Elderly Status (when there is reasonable doubt that applicant is at least 62): birth certificate, baptismal certificate, social security records, driver's license, census record, official record of birth or other authoritative document or receipt of SSI old age benefits or SS benefits.</p> <p>Disabled, blind: evidence of receipt of SSI or Disability benefits.</p>	Elderly Status: Applicant's signature on application is generally sufficient.	<p>*When* the applicant receives income or benefits for which elderly or disabled status is a requirement, such status must be verified.</p> <p>Status of disabled family members must be verified for entitlement to \$480 dependent deduction and disability assistance allowance.</p> <p>Owner may not ask the nature/extent of disability.</p>
<p>Full-time student status (of family member 18 or older, excluding head, spouse, or foster children).  *(See Chapter 5, Paragraph 5-6.A.3)*</p>	Verification from the Admissions or Registrar's Office or dean, counselor, advisor, etc., or from VA Office.		Telephone or in- person contact with these sources documented in file by the owner.	School records, such as paid fee statements that show a sufficient number of credits to be considered a full-time student by the educational institution attended.	Not appropriate.	

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Immigration Status.  *(See Chapter 3, Paragraph 3-12)*	Verification of eligible immigration status must be received from DHS through the DHS SAVE system or through secondary verification using DHS Form G-845.		None.	Applicant/resident must provide appropriate immigration documents to initiate verification.	Noncitizens must sign declaration certifying the following:  Eligible immigration status; or Decision not to claim eligible status.	Owners must require noncitizens requesting assistance to provide verification of eligible immigration status.
*Immigration Status (SSN) Individuals who do not contend eligible immigration status under the Section 221(d)(3) BMIR,  Section 202 PAC,  Section 202 PRAC, Section 811 PRAC programs					*Self-certification that they do not contend eligible immigration status.*	*This verification is for exemption of the requirement to disclose and provide verification of a SSN when an individual does not contend eligible immigration status only for the programs listed in the Factor to be Verified column.*

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	ACCEPTABLE SOURCES				Self-Declaration	
	Third Party <sup>a</sup>			*Provided by Applicant		
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
<p>Income maintenance payments, benefits, income other than wages (i.e., welfare, Social Security [SS], Supplemental Security Income [SSI], Disability Income, Pensions).</p> <p>*(See Chapter 5, Paragraph 5-6)*</p>	<p>* EIV Income Report for Social Security benefits (mandatory)</p> <p>*</p> <p>Award or benefit notification letters prepared and signed by authorizing agency.</p>	<p>Current or recent check stubs with date, amount, and check number recorded by the owner.</p> <p>Award *or benefit* letters or computer printout from court or public agency.</p> <p>Most recent quarterly pension account statement.</p>	<p>Telephone or in- person contact with income source, documented in file by the owner.</p> <p><b>NOTE:</b> For all oral verification, file documentation must include facts, time and date of contact, and name and title of third party.</p>	<p>Copies of validated bank deposit slips or bank statements, with identification by bank.</p>	<p>Notarized statement of income received other than wages.</p>	<p>*It is mandatory that the EIV Income Report be used as third-party verification of the Social Security benefit income received (24 CFR 5.233).*</p> <p>Checks or automatic bank deposit slips may not provide gross amounts of benefits if applicant has deductions made for Medicare Insurance.</p> <p>Pay stubs for the most recent four to six weeks should be obtained.</p> <p>Copying of U.S. Treasury checks is not permitted.</p> <p>Award letters/printouts from court or public agency may be out of date; telephone verification of letter/printout is recommended.</p>

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Interest from sale of real property (e.g., contract for deed, installment sales contract, etc.)  *(See chapter 5, Paragraph 5-7.G.7)*	Verification form completed by an accountant, attorney, real estate broker, the buyer, or a financial institution which has copies of the amortization schedule from which interest income for the next 12 months can be obtained.	Copy of the contract.	Telephone or in- person contact with appropriate party, documented in file by the owner.	Copy of the amortization schedule, with sufficient information for the owner to determine the amount of interest to be earned during the next 12 months.  <b>NOTE:</b> Copy of a check paid by the buyer to the applicant is not acceptable.	Notarized statement of interest from sale of real property.  Only the interest income is counted; the balance of the payment applied to the principal is merely a liquidation of the asset.  The owner must get enough information to compute the actual interest income for the next 12 months.	

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<p>Medical expenses.</p> <p>*(See Chapter 5, Paragraph 5-10.D)*</p>	<p>Verification by a doctor, hospital or clinic, dentist, pharmacist, etc., of estimated medical costs to be incurred or regular payments expected to be made on outstanding bills which are not covered by insurance.</p>	<p>Copies of income tax forms (Schedule A, IRS Form 1040) that itemize medical expenses, when the expenses are not expected to change over the next 12 months.</p> <p>Receipts, or pay stubs, which indicate health insurance premium costs, or payments to a resident attendant.</p> <p>Receipts or ticket stubs that verify transportation expenses directly related to medical expenses.</p>	<p>Telephone or in-person contact with these sources, documented in file by the owner.</p>	<p>Copies of cancelled checks that verify payments on outstanding medical bills that will continue for all or part of the next 12 months.</p> <p>Cancelled checks which indicate health insurance premium costs, or payments to a resident attendant.</p>	<p>Notarized statement or signed affidavit of transportation expenses directly related to medical treatment, if there is no other source of verification.</p>	<p>Medical expenses are not allowable as deduction unless applicant is an elderly or disabled family. Status must be verified.</p>
<ul style="list-style-type: none"> <li>• Need for an assistive animal.</li> </ul> <p>*(See Chapter 3, Paragraph 3-29)*</p>	<ul style="list-style-type: none"> <li>• Letter from *appropriate third party unless the need is readily apparent or already known*.</li> </ul>					<ul style="list-style-type: none"> <li>• If the owner's policy is to verify this need, owner must implement policy consistently.</li> </ul>

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Net Income for a business  *(See Chapter 5, Paragraph 5-6.H).*	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Form 1040 with Schedule C, E, or F.</li> <li>Financial Statement(s) of the business (audited or unaudited) including an accountant's calculation of straight-line depreciation expense if accelerated depreciation was used on the tax return or financial statement.</li> <li>For rental property, copies of recent rent checks, lease and receipts for expenses, or IRS Schedule E.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	Any loan application listing income derived from business during the preceding 12 months.	<ul style="list-style-type: none"> <li>Notarized statement showing net income for a business.</li> </ul>	
<ul style="list-style-type: none"> <li>Recurring contributions and gifts.</li> </ul> *(See Chapter 5, Paragraph 5-6.G)*	<ul style="list-style-type: none"> <li>Notarized statement or affidavit signed by the person providing the assistance giving the purpose, dates, and value of gifts.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Telephone or in-person contact with source documented in file by the owner.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Notarized statement or affidavit signed by applicant stating purpose, dates, and value of gifts.</li> </ul>	<ul style="list-style-type: none"> <li>Sporadic contributions and gifts are not counted as income.</li> </ul>

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Self-employment, tips, gratuities, etc.  *(See Paragraph 5-5.C and Paragraph 5-6.H)*	<ul style="list-style-type: none"> <li>None available.</li> </ul>	<ul style="list-style-type: none"> <li>Form 1040/1040A showing amount earned and employment period.</li> </ul>	<ul style="list-style-type: none"> <li>None available.</li> </ul>		<ul style="list-style-type: none"> <li>Notarized statement or affidavit signed by applicant showing amount earned and pay period.</li> </ul>	

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<ul style="list-style-type: none"> <li>Social security number.</li> </ul> <p>*(See Chapter 3, Paragraph 3-31)*</p>	<ul style="list-style-type: none"> <li>None required.</li> </ul>		<ul style="list-style-type: none"> <li>None Required</li> </ul>	<ul style="list-style-type: none"> <li>Original Social Security card</li> <li>*Original document issued by a federal or state government agency which contains the name, SSN, and other identifying information of the individual*</li> <li>Driver's license with SSN</li> <li>Identification card issued by a medical insurance provider, or by an employer or trade union.</li> <li>Earnings statements on payroll stubs</li> <li>Bank statement</li> <li>Form 1099</li> <li>Benefit award letter</li> <li>Retirement benefit letter</li> <li>Life insurance policy</li> <li>Court records</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Individuals who have applied for legalization under the Immigration Reform and Control Act of 1986 will be able to disclose their social security numbers but unable to supply cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to DHS until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the DHS indicating that social security numbers have been assigned.</li> </ul>

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	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
<ul style="list-style-type: none"> <li>*Student Status (Section 8 only)</li> </ul> <p>(See Chapter 3, Paragraphs 3-13.A and 3-33.A)*</p>	<ul style="list-style-type: none"> <li>*Enrolled full-time and/or part-time at an institution of higher education</li> <li>Verification of independence from parents</li> </ul>				<ul style="list-style-type: none"> <li>*Signed declaration and certification of income from parents</li> <li>Certification of income provided by parent or from persons not living in the unit with the student*</li> </ul>	<ul style="list-style-type: none"> <li>*May also need to verify age; dependent children; marital status; tuition; veteran status and /or disability status.*</li> </ul>
<ul style="list-style-type: none"> <li>*Student status (Section 221(d)(3) BMIR, Section 202 PAC, Section 202 PRAC and Section 811 PRAC)</li> </ul> <p>See Chapter 3, Paragraph 3-13.B and 3-33.B)*</p>	<ul style="list-style-type: none"> <li>*Enrolled full-time and/or part-time at an institution of higher education</li> <li>Verification of independence from parents</li> </ul>				<ul style="list-style-type: none"> <li>*Certification of income provided by parent or from persons not living in the unit with the student*</li> </ul>	
<ul style="list-style-type: none"> <li>Unborn children.</li> </ul>	<ul style="list-style-type: none"> <li>None required.</li> </ul>		<ul style="list-style-type: none"> <li>None required.</li> </ul>	<ul style="list-style-type: none"> <li>None required.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant/tenant self-certifies to pregnancy.</li> </ul>	<ul style="list-style-type: none"> <li>Owner may not verify further than self-certification.</li> </ul>

<sup>a</sup>**NOTE:** Requests for verification from \*a third party source\* must be accompanied by a Consent to Release form \*HUD-9887-A\*.

<sup>b</sup>**NOTE:** If the original document is witnessed but is a document that should not be copied, the owner should record the type of document, any control or serial numbers, and the issuer. The owner should also initial and date this notation in the file.

<sup>c</sup>**NOTE:** For all oral verification, file documentation must include facts, time and date of contact, and name and title of the third party.

<sup>d</sup>**NOTE:** For use of EIV Income Reports as third party verification of employment and income a current Consent for Release form HUD-9887 must be on file.\*

<sup>e</sup>**NOTE:** See examples and requirements found in Paragraph 5-13.B.1

	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
<ul style="list-style-type: none"> <li>• Unemployment compensation.</li> </ul> <p>*(See Chapter 5, Paragraphs 5-5.A, 5-6.J and Q)*</p>	<ul style="list-style-type: none"> <li>• *EIV Income Report (mandatory) *</li> <li>• Verification form completed by source.</li> </ul>	<p>Copies of checks or records from agency provided by applicant stating payment amounts and dates.</p> <p>Benefit notification letter signed by authorizing agency.</p>	<ul style="list-style-type: none"> <li>• Telephone or in-person contact with agency documented in a file by an owner.</li> </ul>		<ul style="list-style-type: none"> <li>• Notarized statement of unemployment compensation received.</li> </ul>	<ul style="list-style-type: none"> <li>• *It is mandatory that the EIV Income Report be used as third-party verification of employment and income (24 CFR 5.233).*</li> <li>• Frequency of payments and expected length of benefit term must be verified.</li> <li>• Income not expected to last full 12 months must be calculated based on 12 months and interim recertification completed when benefits stop.</li> </ul>

	ACCEPTABLE SOURCES					
	Third Party <sup>a</sup>			*Provided by Applicant	Self-Declaration	
	Written <sup>b and d</sup>	*Provided by Applicant <sup>e</sup>	Oral <sup>c</sup>			
<ul style="list-style-type: none"> <li>Welfare payments (as-paid states only).</li> </ul> <p>*(See Chapter 5, Paragraph 5-6.K)*</p>	<ul style="list-style-type: none"> <li>Verification form completed by welfare department indicating maximum amount family may receive.</li> <li>Maximum shelter schedule by household size with ratable reduction schedule.</li> </ul>		<ul style="list-style-type: none"> <li>Telephone or in-person contact with income source, documented in file by the owner.</li> </ul>	<ul style="list-style-type: none"> <li>Maximum shelter allowance schedule with ratable reduction schedule provided by applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Notarized statement of welfare payments received.</li> </ul>	<ul style="list-style-type: none"> <li>Actual welfare benefit amount not sufficient as proof of income in as-paid states or localities since income is defined as maximum shelter amount.</li> </ul>
<ul style="list-style-type: none"> <li>Zero Income.</li> </ul> <p>*(See Chapter 9, Paragraph 9-11.D)*</p>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant/Tenant self-certifies to zero income.</li> </ul>	<p>Owners may require applicant/tenant to sign verification release of information forms for state, local, and federal benefits programs, as well as the HUD 9887 and HUD 9887-A.</p> <p>Owners may require the tenant to reverify zero income status at least every 90 days.</p>

<sup>a</sup>**NOTE:** Requests for verification from \*a third party source\* must be accompanied by a Consent to Release form \*HUD-9887-A\*.

<sup>b</sup>**NOTE:** If the original document is witnessed but is a document that should not be copied, the owner should record the type of document, any control or serial numbers, and the issuer. The owner should also initial and date this notation in the file.

<sup>c</sup>**NOTE:** For all oral verification, file documentation must include facts, time and date of contact, and name and title of the third party.

<sup>d</sup>**NOTE:** For use of EIV Income Reports as third party verification of employment and income a current Consent for Release form HUD-9887 must be on file.\*

<sup>e</sup>**NOTE:** See examples and requirements found in Paragraph 5-13.B.1