

Wallace Court Resident Selection Criteria

Effective November 5, 2019

Humphrey Management, managing agent for this community, has established the following Resident Selection Criteria to explain the requirements and policies used to process and select applications for residency. Everyone who applies will have their application evaluated in a fair, equal, and consistent manner that complies with federal, state, and local fair housing requirements.

These criteria were implemented with the goal to improve housing opportunities by ensuring that quality housing is available to qualified families; and create a welcoming, thriving community through effective resident selection.

Community Information

This is a family community consisting of 75 one and two bedroom apartments, serving qualified low income households.

All units at this community are governed by the rules of the HUD project-based Section 8 and USDA Rural Development Program. In all cases where the guidelines of these two programs overlap and vary, the strictest rule prevails.

Project-Based Section 8 Program Eligibility

The following requirements must be met for an applicant household to be eligible for admission to the project-based Section 8 (PBS8) program.

Income Requirement

The maximum qualifying annual household income must not exceed the limits set by the U.S. Department of Housing & Urban Development defined as Low (80% of area median income) and Extremely Low (30% of area median income).

For the sake of determining the appropriate income limits based on household size management shall count all persons living in the unit except for live-in aides and guests, and shall count the following individuals who are not living in the unit: (a) children who are temporarily in a foster home who will return to the household; (b) children in joint custody arrangements who are present in the household 50% or more of the time; (c) children who are away at school, but who live with the family during school recesses; (d) unborn children of pregnant women; (e) children in the process of being adopted by an adult household member; (f) temporarily absent family members who are still considered household members; (g) family members in the hospital or rehabilitation facility for periods of limited or fixed duration; and (h) persons permanently confined to a hospital or nursing home*.

*An individual permanently confined to a nursing home or hospital may not be named as the household head, spouse, or co-head but may continue as a household member at the family's discretion. The family's decision on whether or not to include the permanently confined family member as a household member determines if that person's income will be counted.

- a. *Include* the individual as a household member and the income and allowable deductions related to the medical care of the permanently confined individual are counted; or
- b. *Exclude* the individual as a household member and the income and allowances based on the medical care of the permanently confined individual are not counted.

Citizenship Requirement

Assistance in subsidized housing is restricted to US citizens or nationals and noncitizens with eligible immigration status. A mixed household, a household with one or more ineligible members and one or more eligible members (eligibility in this section refers only to citizenship or immigration status), may receive prorated assistance.

A *Citizenship Declaration Form* must be executed for all household members regardless of age. Citizens and applicants 62 years of age and older claiming eligible immigration status must provide proof of age (see required documentation section below.)



Applicants under the age of 62 claiming eligible immigration status must also execute the *Citizenship Verification Consent Form*, and provide one of the documents listed on page 2 of the *Citizenship Declaration Form*. Such applicants will have their eligible immigration status verified through the Department of Homeland Security's SAVE program.

Applicants who hold a non-citizen student visa and their non-citizen family members are ineligible for a subsidized unit. However non-citizen students with a citizen spouse or child are considered a mixed family eligible for pro-rated assistance.

Social Security Number Requirement

Disclosure and verification of the full social security numbers (SSN) is required for all household members except:

- a. Individuals who do not contend eligible immigration status.
- b. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.

Timeframe for Providing Social Security Numbers:

- a. Applicants currently on or applying to the waitlist: Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waitlist. However, they must do so before they can be housed.
- b. Housing applicants from the waitlist: If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.

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

Adding a New Household Member under the Age of Six without an Assigned SSN:

Applicant households will be housed in the event the household adds a child under the age of 6 without an assigned SSN to the household within the 6-month period prior to the household's date of admission. The household would have 90 days from the date of move-in to provide documentation evidencing issuance of a SSN. Household's will be granted an extension of one additional 90-day period if it is determined that the resident's failure to comply is due to circumstances that could not have been foreseen and were outside the control of the resident (delay in processing by SSA, natural disaster, fire, death in family, etc.) Failure to provide the documentation of SSN within the time granted will result in the household being subject to termination of tenancy.

Sole Residency Requirement

A household will only be eligible for assistance if the unit will be the family's only residence. Residents must not receive assistance for two units at the same time, known as dual subsidy.

This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit at another community. The assisted residency in the unit being vacated must end the day before the subsidy begins in the new unit.

Consent & Release Forms Requirement

All adult members of the household must sign the required HUD Consent Forms (HUD 9887/9887-A), regardless of whether they report income. These forms must be signed prior to move-in, and annually at recertification time.

Student Eligibility Requirement

Student eligibility for Section 8 assistance will be determined at move-in, annual recertification, initial certifications, and at the time of an interim recertification if one of the changes reported is that a household member is enrolled as a student.

If an ineligible student is a member of a household, assistance will be terminated.

Section 8 assistance shall be provided to any individual who:

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

- Is an individual for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances; or
- Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when the student:

- Is an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older; and/or,
- 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; and/or,
- 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) 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

Section 8 assistance shall NOT be provided to any individual who:

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

- Is under the age of 24; and
- Is not a veteran of the United States Military; and
- Is not married; and
- Does not have a dependent child; and
- Is not a person with disabilities, as such item is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005; and
- Is not living with his or her parents who are receiving Section 8 assistance; and
- Is not individually eligible to receive section 8 assistance **and** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

Student's Independence Verification Requirements

These requirements are intended for students under the age of 24 who are not residing in a section 8 assisted unit with their parents, but are seeking to reside in a section 8 assisted unit. This rule does not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to receive section 8 assistance. Furthermore verification of a student's independence is not required if the student meets the definition of vulnerable youth.

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

1. Be of legal contract age under state law;
2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or meet the US Department of Education's definition of an independent student. To be classified as an independent student, the student must meet one or more of the following criteria:
 - a. Is currently serving on active duty in the Armed Forces for other than training purposes; and/or,
 - b. Is a graduate or professional student.
3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
4. Obtain certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided by the parents/guardians.

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

Occupancy Standards

Number of Bedrooms	Number of Occupants	
	Minimum	Maximum
1	1*	3
2	2*	5

These occupancy standards shall be used in determining the appropriate size unit at move-in and shall apply during residency in determining unit transfers.

*Project-based Section 8 units may not be occupied by households made up of fewer persons than there are bedrooms.

Management shall apply these occupancy standards before assigning the household to a unit, and when there is a change in household size to determine if the household needs to transfer to another unit.

For the sake of determining the size of the unit that would be appropriate for a particular household, management shall count all full-time members of the household, including live-in aides and foster adults, as well as all anticipated children, including: (1) children expected to be born to a pregnant woman; (2) children in the process of being adopted by an adult household member; (3) children whose custody is being obtained by an adult household member; (4) foster children who will reside in the unit; (5) children who are temporarily in a foster home who will return to the household; and (6) children in joint custody arrangements who are present in the household 50% or more of the time.

Management will not count the following persons for the sake of applying the occupancy standards: (1) adult children who are away at school but who live at home during recesses that have established residency at another location as evidenced by a lease agreement; or who will be present in the household less than 50% of the time; (2) adult children on active military duty; (3) permanently institutionalized family members; and (4) guests or visitors.

This policy is intended to balance the need to avoid overcrowding with the need to avoid underutilization of the space and unnecessary subsidy.

Management maintains separate waitlists for each available unit size at the community. Applicant households are to determine which unit size waitlist(s) they are applying to. If an applicant household qualifies for more than one unit size available at the community they may choose to apply to one or all available unit size waitlists. Once a household accepts a unit offer and takes possession of a unit, they will be removed from any additional waitlists for that community.

If the household composition changes after the household has been placed on the waitlist it will be the responsibility of the applicant household to notify management. Management will update the waitlist information. At that time management will determine if the household meets the occupancy standards criteria for the selected unit sizes. If the household no longer qualifies for the unit size they originally selected, they will be removed from the inappropriate waitlist and:

- If the appropriate sized unit is available at the community management will place the household on the waitlist for the appropriate sized unit maintaining the original application date; or
- If the appropriate sized unit is not available at the community management will notify the household in writing that they are no longer eligible for the community, and have been removed from further consideration on the waitlist.

Application Process

Applicants must be at least 18 years old or be an emancipated minor to submit an application. Applicant households must submit a single application executed by all adults or emancipated minors in the household. Emancipated minors are considered adults in the application of our policies and procedures. All adult applicants, including those wanting to be added to existing households, are required to complete an application packet and consent to the release of information necessary to verify all income, assets, household characteristics and circumstances that affect eligibility. This information will be verified by management in compliance with the regulations contained in the HUD Handbook 4350.3.

If basic eligibility is met (head of household over 18 or emancipated; household size meets the occupancy standards of a unit size available at the community with an open waitlist; and reported income under the maximum income limits) the applicant(s) will either be placed on the appropriate waitlist or provided with the appropriate forms to begin the move-in certification process.

Required Documentation

This documentation is not required to submit an application, however must be submitted before the applicant household can move into a unit. Management will not accept photocopies, or documents that appear fraudulent or altered. This

documentation must be the original, which management will photocopy. Management will store the copies in the applicant's file.

For Certification Purposes:

- Social Security Cards for all household members.
- Certified Birth Certificates for all household members.
 - Please note short form or birth cards are not acceptable alternatives.
- All adult household members must sign the HUD consent forms.
- Verification of income from all sources: wages, social security, disability, workers compensation, unemployment, pensions, child support, public assistance, etc.
 - Contact information for employers, or other income sources; and/or eight current, consecutive paystubs; current benefit/award letters; etc.
- Verification of all household assets:
 - Financial Institution contact information; and/or bank/account statements; real estate records, etc.
- Verification of student status:
 - School contact information; and/or school records.
- Verification of custody* of minor household members:
 - Birth Certificates; court order; tax returns; school, doctor's office, day care records; etc.
 - *Please note legal custody is not required. Management is only verifying residency of intended household members.
- Verification of disability*, and/or household expenses at the household's discretion.
 - Verification of receipt of social security disability payments is adequate verification of an individual's disability status; or contact information for a physician, psychologist, clinical social worker, other licensed health care professional or Veterans Administration representative.
 - *Management only verifies that applicants meet the HUD definition of disability used to determine eligibility. Management will not verify the nature or extent of the disability, nor make judgments about whether a condition is considered a disability.
- Verification of any other information provided by the household relevant to the funding program certification.

For Identification Purposes:

- Driver's License or other forms of Photo ID for all adult household members.
- Verification of any other information provided by the household relevant to the screening criteria.

Selecting Applicants from the Waitlist

The following procedure will be utilized by management to determine the selection of applicants for available units.

Applications will be processed according to the date and time received, except under the circumstances described below.

Eligible current residents needing a unit transfer are given priority over new applicants on the waitlist. Current resident households enrolling in the project-based Section 8 program are not considered a transfer for the purposes of applicant selection, and therefore would not receive priority over other new applicants.

Accessible units or units with accessibility features will be offered first to residents and then to applicants who have requested and are determined eligible for the specific type of accessible unit or features. Applicants may request an accessible unit or a unit with accessibility features on their application. It may be necessary for applicants to submit additional documentation in order for management to determine eligibility for an accessible unit. This policy does not apply in circumstances when the accessible unit that becomes available, does not have the type of features required by the resident/applicant.

Forty percent of project-based Section 8 units that become available each year must be leased to households whose income does not exceed the extremely low income limit (30% of the area median income). Management will maintain compliance with income targeting by admitting only extremely low-income families until the forty percent target is met. In order of application date, management will select eligible applicants from the waitlist whose income is at or below the extremely low-income limit to fill the first forty percent of expected vacancies in the community. Once this target has been reached, applicants will be selected in order of application date. This procedure may mean skipping over some applicants with higher incomes, however, such applicants will retain their place on the waitlist and management will not skip over an applicant whose income meets the extremely low income limit.

This community does not utilize any Statutory, Federal, Local or Owner preferences.

Move-in Certification Process

Management will notify the applicant in writing that it is time to begin the move-in certification process when the applicant has reached the top of the waitlist as determined by the selection process specified above. At that time it will be necessary for the household to schedule an interview and for all adult household members to report to the community's management office with all required documentation that has not previously been submitted. All adult members must cooperate with the certification process. Applicants are obligated to report all income and assets, and to complete all applications, verifications and certifications completely and accurately. Management is required to verify all of the following information if applicable to the household for the purpose of determining rent and/or eligibility:

- Income of all household members
- Assets of all household members
- Allowable expenses for all household members
- Student status, financial aid and tuition of all adult household members
- Any other factors as they relate to the final determination of rent and/or eligibility

Certifications are processed at the community then sent to the corporate office for approval before the unit is offered to the applicant. Management will not accept changes to the application once the file has been submitted for corporate review. We strive for the corporate review process to take no more than 24 to 48 hours; however, it may take longer when corrections are needed or due to circumstances beyond our control.

HUD's Enterprise Income Verification (EIV)

EIV Existing Tenant Search

Management will screen applicants through HUD's Enterprise Income Verification System (EIV) existing tenant database as part of the screening process to determine if any applicant household members are currently residing at another Multifamily Housing or Public and Indian Housing (PIH) location. Management may need to follow up with an applicant's current housing provider to coordinate move-out and move-in dates.

Applicants Moving from One Subsidized Community to Another

Applicants must coordinate their move-out and move-in dates, so that they are not receiving assistance in two units at the same time. Applicants should provide their current housing provider with a proper move-out notice in writing and request a written receipt or acknowledgement. The move-out date of the first unit must be at least the day prior to the move-in date to this community.

Applicants who are not formally moved out of their current subsidized unit at the time they move into a subsidized unit within this community will have their subsidy terminated. Such applicants will be responsible for paying market rent for any days in which they are receiving subsidy at the first location. Subsidy may only be reinstated after confirmation of the formal move-out from the first location.

Use of EIV during Move-in Certification Process

Within 90 days following transmission of the move-in HUD form 50059 to TRACS management will utilize EIV to verify all income information obtained from the applicant during the move-in certification process. EIV accesses the National Directory of New Hires database which contains income information that has been reported through various State and Federal agencies. This information includes W-4 new hires, wages, and unemployment benefits. EIV also accesses the Social Security Administration database which includes information on all of the Social Security benefits programs.

Annual Recertifications & Interim Reporting Requirement

All residents must complete the certification process annually and are required to report certain changes in factors which effect rent between regularly scheduled recertifications. More detailed information regarding these requirements can be found in paragraph 15 and 16 of the HUD Model Lease. Management will utilize EIV to verify proper reporting of income for all annual and interim recertifications.

Applicant Screening Criteria

Disclosure & Verification Criteria

As part of the screening process, any answers or documentation provided by an applicant as part of the application are subject to verification. Failure to disclose any information and/or answer all questions in the application or attachments to the application, fully and truthfully, may constitute grounds for denial or rejection of the application.

All income must be verifiable independent of the applicant. Self-employed applicants must provide acceptable proof of income (e.g. income tax returns or accountant letter). Income from assets will be calculated and used in the overall household income determination.

Credit History Criteria

Third party screening for credit and rental history will be done for all adult household members. Any household that does not meet the rental scoring system used by a third-party screening company will be declined.

All applications will be evaluated on a rental scoring which is based on both real and statistical data. This data includes, but is not limited to: (1) Payment history; (2) Quantity and type of credit accounts (Credit cards, car loans, mortgages, etc.); (3) Outstanding debt; (4) Collection records; (5) Public records (Civil judgements, bankruptcies, evictions, etc.); (6) New credit inquiries within the last two (2) years; (7) Medical collections are excluded and will not decrease your rental scoring.

Money due to any previous landlord can result in an automatic rejection of the application regardless of any other criteria.

The rental scoring determination is as follows:

- 533 and above Accept
- 532 and below Decline- See the Section on Rejections of Applicant(s) for the Appeal Procedure
- No credit or not enough credit to generate a score will receive a recommendation of Refer from the third-party screening company. This rating requires Regional Manager approval.

Residential History Criteria

An application may be rejected for one (1) of the following reported on any adult applicant:

1. One (1) eviction from a previous housing unit within the last three (3) years.
2. Three (3) or more late payments of rent within the last six (6) month period.
3. Landlord references are verified for the previous 3 years (36 months). If any Landlord reference is returned to us wherein the previous landlord has signed that the applicant exhibited the following behavior:
 - a. Housekeeping issues
 - b. Records of disturbance of neighbors, destruction of property or other disruptive or dangerous behavior - includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides which is disturbing or dangerous to neighbors or disrupts family and community life.
 - c. Non-compliance with Lease Agreements - includes but not limited to evidence of any failure to comply with the terms of lease agreements on prior residences, such as providing shelter to unauthorized persons, failure to comply with recertification process, keeping of pets or other acts in violation of rules and regulations, painting or decorating without permission of owner, etc.
4. Consideration will be given to the applicant if it is proved (documentation may be required) that the aforementioned rental history was beyond the control of the applicant. Examples would be: reduction in labor force, illness, extremely high medical bills, divorce, etc.

Criminal History Criteria

Every adult applicant is required to sign a consent form allowing all relevant criminal information to be released. Applications will be rejected for any history found that could affect the health or safety of any resident or if any of the following are reported:

1. Any household member(s) is subject to a state sex offender lifetime registration requirement (if allowable by state).
2. Any household member(s) has been convicted of any violent criminal activity.
3. Any household member(s) has one conviction of a felony or misdemeanor against persons that has occurred in the past 7 years or in which the scheduled end of sentence occurred within the past 7 years.
4. Destruction of property or any other offenses that pose a threat to the well-being and safety of our residents, employees, or community.
5. Any household containing a member(s) who was evicted in the last seven years from a Federally assisted housing community for drug-related criminal activity unless the member(s) has completed an approved, supervised drug rehabilitation or the member no longer resides in the household.

Rejection of Applications

Applications may be rejected at the time of receipt or after the household has been placed on the waitlist(s) for the following reasons:

- The applicant no longer meets the eligibility requirements for the community or program;
- The applicant does not meet the community's applicant screening criteria;
- The applicant fails to respond to a written notice for an eligibility interview;
- Mail sent to the applicant's address is returned as undeliverable; or
- The unit that is needed – using household size as the basis – changes, and no appropriate size unit exists in the community.
- The applicant rejects or declines a unit offer, or any preceding action necessary to the move-in certification process on three occurrences.

Management will promptly notify the applicant in writing of their decision to reject the application. The notice will specify why management is rejecting the application and give the applicant 14 days to contact management in writing or to request an informal meeting to discuss the application denial. Any meeting with the applicant or review of the applicant's written response will be conducted by a representative of management who did not participate in the decision to reject the applicant. Applicants with a disability have the right to request reasonable accommodations to participate in the informal hearing process.

- A. If the applicant fails to respond to the notice of Application Rejection within 14 days the decision will be considered final and no further correspondence will be sent.
- B. If the applicant does respond, a notice of final determination regarding the application will be sent within five business days of receipt of the applicant's correspondence or the informal meeting.

If an applicant disputes the accuracy of any information provided to the management office by a screening service or credit reporting agency, the applicant may contact the screening company that supplied the information within 60 days of the denial to obtain a copy of the screening results. The name and address of the screening company and a reference number will be provided in the denial letter.

Management may consider extenuating circumstances including requests for reasonable accommodations during the screening process or, if applicable, before or during the meeting to discuss the rejection notice.

Transfer Policy

Current residents who need to transfer due to one of the following reasons would be given priority over new applicants on the community's waitlist. Transfers will be granted for the following reasons, and in the following order of priority.

1. Uninhabitable Transfer:

Management may initiate a unit transfer when a unit has been rendered uninhabitable due to fire, natural disaster or other circumstance if management determines that the circumstance giving rise to the unit being rendered uninhabitable was not caused by the negligence of the resident household members or their guests.

Management may initiate a unit transfer when a unit is in need of repairs to correct defects hazardous to life, health or safety or in need of repairs deemed necessary by management that cannot be performed with the Resident residing in the Unit.

2. Reasonable Accommodation Transfer:

A resident with a disability may request a unit transfer when an accessible unit or unit with some accessibility features is needed by the resident as a reasonable accommodation.

Management will provide reasonable accommodations to individuals with a disability to the maximum extent feasible. Management may modify the Resident's existing unit or transfer the Resident to another unit with the features required, upon availability. If a transfer is required, management will be responsible for reasonable moving costs. No Resident shall be permitted to transfer into an accessible unit from a non-accessible unit unless he or she requires the features of that unit, except in an emergency, as determined by management.

For more information please refer to the 'Disability and Reasonable Accommodation' section below.

3. Verifiable Medical Impairment Transfer:

A resident with a serious medically determinable impairment which is expected to be of a duration of twelve (12) months or greater and who's medical impairment could be substantially improved by relocation to another unit may request a transfer. The resident, or management on the resident's behalf shall put the request in writing. In addition the resident must provide medical certification of the necessity of the transfer.

4. VAWA Transfer:

Management will allow an eligible resident to make an emergency transfer under VAWA when a safe unit is immediately available, or place the resident on the appropriate waitlist(s) when such a unit is not available.

A resident residing in a subsidized unit and who is a victim of a VAWA crime, qualifies for an emergency transfer if, the resident expressly requests the transfer; and either –

- a. The resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same dwelling unit, or
- b. In the case of sexual assault, the sexual assault occurred on the premises during the 90-calendar day period preceding the date of the request for transfer.

A resident's reasonable belief that there is a threat of imminent harm from further violence may stem from an incident of domestic violence, dating violence, sexual assault, or stalking of a household member.

Management will assist the resident by providing contact information to local service providers and organizations who specialize in assisting the victims of domestic violence, dating violence, sexual assault, or stalking. Such residents may also wish to move to another community all together. Management's ability to assist with such "external transfers" will be limited to providing information due to a lack of authority over third party providers, and established HUD regulations.

5. Accessible Unit Transfer:

Management shall require a resident to transfer when the unit is equipped with accessibility features that the occupying household does not need, and a resident or applicant has been identified who does need the accessibility features of the unit.

6. Under or Over-housed Transfer:

Management shall require a resident to transfer when a household's composition changes, and the unit is no longer appropriately sized based on the occupancy standards established above and an appropriately sized unit becomes available.

In the event of a management initiated or required transfer management will notify the resident in writing of the requirement & reason for transfer, the time frame for transfer, and consequences for failing to transfer.

Transfers for reasons other than those listed above will not be permitted. Other reasons include but are not limited to:

- Residents wishing to transfer to a different sized unit which they meet the occupancy standards for, but are not currently under or over housed will not be considered for a transfer.
- Existing households who wish to separate into two or more households will not be considered for a transfer.

Existing households seeking to move to another unit in the community may only do so pursuant to the unit transfer policy, excepting an existing household who wishes to separate into multiple households in which event they may wait until the community waitlist is opened and apply to the community waitlist.

Civil Rights Protections

It is the policy of Management to comply with current and future legislation protecting the rights of applicants, residents and staff, including but not limited to:

- Section 504 of the Rehabilitation Act of 1973
- Title IV of the Civil Rights Act of 1964
- Fair Housing Amendment Act of 1988
- Pennsylvania Human Relations Act of 1955

Fair Housing

Humphrey Management will follow and abide by the Fair Housing and Equal Opportunity Laws and any other Fair Housing and Civil Rights Laws in effect in the intake and processing of applications and selecting residents.

We will not discriminate against any person on the basis of the following protected classes:

Federal: Race, Color, National Origin, Religion, Sex, Disability, Familial Status

Pennsylvania: Includes all federal protected classes listed above plus: Age (over 40), Ancestry, Pregnancy, the use of a support animal or because the user is a handler or trainer of such support animals

Disability & Reasonable Accommodations

Management will utilize the Telecommunications Relay Services accessed by dialing 711 to communicate with persons with hearing or speech disability. Management will conduct in person interviews for any applicant or resident needing assistance with the application process.

Management will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunities for all. In accordance with Section 504, management will make reasonable accommodations for individuals with disabilities (applicants or residents). Such accommodations may include a change in the method of administering policies, procedures, or services.

In addition, management may perform modifications to the dwelling or common areas where such modifications would be necessary to afford full access for qualified individuals with disabilities.

A person with a disability may request a reasonable accommodation at any time during the application process or residency in writing, orally, or by any other equally effective means of communication. Requests for accommodations should be submitted to the Community Manager.

Upon receipt, management shall review the request, and if necessary, shall require the resident to provide additional documentation or meet with management to discuss the request. Provided the resident has submitted all necessary documentation and complied with management requests, a final written determination shall be issued within thirty (30) days after receipt of the resident's initial request.

If an individual with a disability requires an accommodation or modification, Management will honor the request unless doing so would result in:

- (a) A violation of State and/or federal law;
- (b) A fundamental alteration in the nature of the program;
- (c) An undue financial and administrative burden on the Owner or Management Agent;
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

In such cases, Management will offer other suggestions that would not result in the circumstances described above.

Accessible Units

This community has four physically accessible units set aside for persons who need the accessibility features of the units.

Accessible units will be held for 30 days during lease up if an applicant requiring the features of the unit is not located. If after this 30-day period an eligible household requiring the accessible features of the unit is not found, the unit may be rented to an otherwise qualified household. If no household members in an accessible unit require the features of the unit, the household must transfer to a comparable and available non-accessible unit (for which the household qualifies) at the owner's expense when the accessible unit is needed for an applicant who requires the unit's features.

VAWA Protections for Victims of Domestic Violence, Dating Violence, Stalking or Sexual Assault

The Violence Against Women Act (VAWA) provides that criminal activity directly relating to domestic violence, dating violence, stalking or sexual assault engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for being denied housing, termination of assistance, or occupancy rights if the resident or an immediate member of the resident's family is the victim or the threatened victim of that abuse. VAWA also provides that an incident(s) of actual or threatened domestic violence dating violence, stalking, or sexual assault will not be construed as serious or repeated violations of the lease by the victim (or threatened victim) and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Management utilizes form *HUD-5382* to certify that a person is a victim of domestic violence, dating violence, stalking or sexual assault. In lieu of a certification, a resident may provide: A federal, State, tribal territorial, or local police record or court record; Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from which the victim has sought assistance in addressing domestic violence, dating violence, stalking, sexual assault or the effects of abuse.

Management is mindful that the delivery of the certification form to the resident in response to an incident via mail may place the victim at risk. Therefore, management may require that the resident come into the office to pick up the certification form and will work with residents to make delivery arrangements that do not place the resident at risk.

If an individual does not provide the form *HUD-5382* or the information that may be provided in lieu of the certification by the 14th business day (or any approved extension), none of the VAWA protections afforded to the victim of domestic violence, dating violence, stalking or sexual assault will apply. However, in certain circumstances, at the discretion of Management, assistance may be provided to an individual based solely upon the individual's statement or other corroborating evidence.

NOTE: Any household containing a member with a demonstrated history of committing domestic violence, dating violence, stalking and/or sexual assault must exclude that member from the household to be considered for residency.

Limited English Proficiency

Management utilizes Telelanguage Interpretation Services to provide access to services for those individuals with Limited English Proficiency.

Modification of Resident Selection Criteria

These criteria will be posted in the management office and made available for applicants to review. It will be updated periodically in accordance with changes implemented in federal and state guides. Any questions pertaining to these selection criteria should be directed to the Community Manager.



RENTAL HOUSING INTEGRITY IMPROVEMENT PROJECT

EIV & You

ENTERPRISE INCOME VERIFICATION



**What YOU Should Know
if You are Applying for or are Receiving
Rental Assistance through the Department of
Housing and Urban Development (HUD)**

What is EIV?

EIV is a web-based computer system containing employment and income information on individuals participating in HUD's rental assistance programs. This information assists HUD in making sure "the right benefits go to the right persons".



What income information is in EIV and where does it come from?

The Social Security Administration:

- Social Security (SS) benefits
- Supplemental Security Income (SSI) benefits
- Dual Entitlement SS benefits

The Department of Health and Human Services (HSS) National Directory of New Hires (NDNH):

- Wages
- Unemployment compensation
- New Hire (W-4)

What is the information in EIV used for?

The EIV system provides the owner and/or manager of the property where you live with your income information and employment history. This information is used to meet HUD's requirement to independently verify your employment and/or income when you recertify for continued rental assistance. Getting the information from the EIV system is more accurate and less time consuming and costly to the owner or manager than contacting your income source directly for verification.

Property owners and managers are able to use the EIV system to determine if you:

- correctly reported your income

They will also be able to determine if you:

- Used a false social security number
- Failed to report or under reported the income of a spouse or other household member
- Receive rental assistance at another property

Is my consent required to get information about me from EIV?

Yes. When you sign form HUD-9887, Notice and Consent for the Release of Information, and form HUD-9887-A, Applicant's/Tenant's Consent to the Release of Information, you are giving your consent for HUD and the property owner or manager to obtain information about you to verify your employment and/or income and determine your eligibility for HUD rental assistance. Your failure to sign the consent forms may result in the denial of assistance or termination of assisted housing benefits.

Who has access to the EIV information?

Only you and those parties listed on the consent form HUD-9887 that you must sign have access to the information in EIV pertaining to you.

What are my responsibilities?

As a tenant in a HUD assisted property, you must certify that information provided on an application for housing assistance and the form used to certify and recertify your assistance (form HUD-50059) is accurate and honest. This is also described in the *Tenants Rights & Responsibilities* brochure that your property owner or manager is required to give to you every year.

Penalties for providing false information

Providing false information is fraud. Penalties for those who commit fraud could include eviction, repayment of overpaid assistance received, fines up to \$10,000, imprisonment for up to 5 years, prohibition from receiving any future rental assistance and/or state and local government penalties.

Protect yourself, follow HUD reporting requirements

When completing applications and recertifications, you must include all sources of income you or any member of your household receives. Some sources include:

- Income from wages
- Welfare payments
- Unemployment benefits
- Social Security (SS) or Supplemental Security Income (SSI) benefits
- Veteran benefits
- Pensions, retirement, etc.
- Income from assets
- Monies received on behalf of a child such as:
 - *Child support*
 - *AFDC payments*
 - *Social security for children, etc.*

If you have any questions on whether money received should be counted as income, ask your property owner or manager.

When changes occur in your household income or family composition, immediately contact your property owner or manager to determine if this will affect your rental assistance.

Your property owner or manager is required to provide you with a copy of the fact sheet "How Your Rent Is Determined" which includes a listing of what is included or excluded from income.



What if I disagree with the EIV information?

If you do not agree with the employment and/or income information in EIV, you must tell your property owner or manager. Your property owner or manager will contact the income source directly to obtain verification of the employment and/or income you disagree with. Once the property owner or manager receives the information from the income source, you will be notified in writing of the results.

What if I did not report income previously and it is now being reported in EIV?

If the EIV report discloses income from a prior period that you did not report, you have two options: 1) you can agree with the EIV report if it is correct, or 2) you can dispute the report if you believe it is incorrect. The property owner or manager will then conduct a written third party verification with the reporting source of income. If the source confirms this income is accurate, you will be required to repay any overpaid rental assistance as far back as five (5) years and you may be subject to penalties if it is determined that you deliberately tried to conceal your income.

What if the information in EIV is not about me?

EIV has the capability to uncover cases of potential identity theft; someone could be using your social security number. If this is discovered, you must notify the Social Security Administration by calling them toll-free at 1-800-772-1213. Further information on identity theft is available on the Social Security Administration website at: <http://www.ssa.gov/pubs/10064.html>.

Who do I contact if my income or rental assistance is not being calculated correctly?

First, contact your property owner or manager for an explanation.

If you need further assistance, you may contact the contract administrator for the property you live in; and if it is not resolved to your satisfaction, you may contact HUD. For help locating the HUD office nearest you, which can also provide you contact information for the contract administrator, please call the Multifamily Housing Clearinghouse at: 1-800-685-8470.



Where can I obtain more information on EIV and the income verification process?

Your property owner or manager can provide you with additional information on EIV and the income verification process. They can also refer you to the appropriate contract administrator or your local HUD office for additional information.

If you have access to a computer, you can read more about EIV and the income verification process on HUD's Multifamily EIV homepage at: www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm.



JULY 2009



RESIDENT RIGHTS & RESPONSIBILITIES



Secretary of HUD

This brochure does not apply to the Public Housing Program, the Section 8 Moderate Rehabilitation Program (except for multifamily housing properties insured by HUD), and the Housing Choice Voucher Program (except when a voucher is used in a multifamily housing property with a HUD-insured mortgage).

AS A RESIDENT, YOU HAVE RIGHTS AND RESPONSIBILITIES THAT HELP MAKE YOUR HUD-ASSISTED HOUSING A BETTER HOME FOR YOU AND YOUR FAMILY.

This brochure is being distributed to you because the United States Department of Housing and Urban Development (HUD), which regulates the property in which you live, has provided some form of assistance or subsidy for your apartment. As part of its dedication to maintaining the best possible living environment for all residents, your local HUD office encourages and supports the following:

- Management agents and property owners communicate with residents on any and all issues
- Owners and managers give prompt consideration to all valid resident complaints and resolve them as quickly as possible
- Your right to file complaints with management, owners, or government agencies without retaliation, harassment or intimidation
- Your right to organize and participate in certain decisions regarding the well-being of the property and your home
- Your right to appeal a decision made by the local HUD office to the Office of Asset Management and Portfolio Oversight at HUD Headquarters.

Along with the owner/management agent, you play an important role in making your apartment, the grounds, and other common areas—a better place to live.

This brochure briefly lists some of the most important rights and responsibilities to help you get the most out of your home.



YOUR RIGHTS

As a resident of a HUD-assisted multifamily housing property, you should be aware of your rights.

Rights: *Involving Your Apartment*

- The right to live in decent, safe, and sanitary housing that is free from environmental hazards including lead-based paint.
- The right to have repairs performed in a timely manner, upon request.
- The right to be given reasonable notice, in writing, of any non-emergency inspection or other entry into your apartment.
- The right to protection from eviction except for specific causes stated in your lease.
- The right to request that your rent be recalculated if your income decreases.
- The right to access your tenant file.

Rights: *Involving Resident Organizations*

- The right to organize as residents without obstruction, harassment, or retaliation from property owners or management.
- The right to provide leaflets and post materials in common areas informing other residents of their rights and opportunities to involve themselves in their property.
- The right to use appropriate common space or meeting facilities to organize (this may be subject to a reasonable, HUD-approved fee).
- The right to meet without representatives or employees of the owner/management company present.
- The right to be recognized by property owners/management company as having a voice in residential community affairs.

Rights: *Involving Nondiscrimination*

The right to equal and fair treatment and use of your building's services and facilities, without regard to race, color, religion, gender, sexual orientation, gender identity, disability, familial status (children under 18), national origin (ethnicity or language), or in some circumstances, age.



YOUR RESPONSIBILITIES

As a resident of a HUD-assisted multifamily housing property, you also have certain responsibilities to ensure that your building remains a suitable home for you and your neighbors. By signing your lease, you, the owner and the management company have entered into a legal, enforceable contract. You are responsible for complying with your lease, house rules, and local laws governing your property. If you have any questions about your lease or do not have a copy of it, contact your property management agent or the local HUD office.

Responsibilities: *To Your Property Owner or Management Agent*

- Complying with the rules and guidelines that govern your lease.
- Paying the correct amount of rent on time each month.
- Providing accurate information to the owner/management agent's company at the certification or recertification interview to determine your total tenant payment, and consenting to the release of information by a third party to allow for verification.
- Reporting changes in the family's income or composition to the owner/management agent's company in a timely manner.

Responsibilities: *To the Property and Your Fellow Residents*

- Complying with rules and guidelines that govern your lease.
- Conducting yourself in a manner that will not disturb your neighbors.
- Not engaging in criminal activity in your apartment, common areas or grounds.
- Keeping your apartment reasonably clean, with exits and entrances free of debris, clutter or fire hazards and not littering the grounds or common areas.
- Disposing of garbage and waste in the proper manner.
- Maintaining your apartment and common areas in the same general physical condition as when you moved in.
- Reporting any apparent environmental hazards to the management (such as peeling paint, which is a hazard if it is a lead-based paint) and any defects in building systems, fixtures, appliances, or other parts of the apartment, the grounds, or related facilities.



YOUR RIGHT TO BE INVOLVED

In decisions affecting your home

As a resident in HUD-assisted multifamily housing, you play an important role in decisions that affect your community. Different HUD programs provide for specific resident rights. You have the right to know under which HUD program your building is assisted. To find out if your apartment building is covered under any of the following programs, contact your management agent, Section 8 contract administrator, or the HUD office nearest you. If your building was funded under HUD's Rental Assistance Demonstration Program, or HUD's Section 236, 221(d)(3)/BMIR, Rental Assistance, Section 202 Direct Loan or Section 202/811 Capital Advance Programs or is assisted under any applicable project based Section 8 program or Rent Supplement, you have the right to be notified of, or in some instances, to comment on, the following:

- Nonrenewal of a project based Section 8 contract
- An increase in the maximum permissible rent
- Conversion of a project from project-paid utilities to tenant-paid utilities
- A proposed reduction in tenant utility allowance
- Conversion of residential apartments in a multifamily housing property to a nonresidential use or to condominiums, or the transfer of the housing property to a cooperative housing mortgagor corporation or association
- Transfer of the project-based Section 8 contract in your property to one or more buildings at other locations
- Partial release of mortgage security
- Capital improvements that represent a substantial addition to the project
- Prepayment of mortgage (*if prior HUD approval is required before owner can prepay*)
- Any other action, which could ultimately lead to involuntary, temporary or permanent relocation of residents
- If you live in a building that is owned by HUD and is being sold, you have the right to be notified of, and comment on HUD's plans for disposing of the building.



ELIGIBILITY FOR ENHANCED VOUCHERS

If your apartment is assisted under a project-based Section 8 contract that is ending, and if the owner decides not to renew it, the owner is required by law to notify you in writing of that decision at least one year before the contract expires. Under these circumstances, you may be eligible for an Enhanced Voucher (EV), which owners are required to accept and which would give you the Right to Remain in a apartment at your property, provided that you are in compliance with your lease and the property remains rental housing. HUD will select a local Public Housing Agency (PHA) to provide an EV for eligible families who decide to remain at the property and to administer this assistance.

If you decide to remain at your property using an EV, a higher payment standard will be used to determine the amount of Section 8 assistance that is paid on your behalf if the gross rent for the apartment is more than the PHA's payment standard. However, the PHA must determine that the rent that the owner charges for your apartment is reasonable, and you must continue paying at least the amount of rent that you were previously paying.

If you are eligible for an EV, you can instead choose to move out of the property and use the voucher to rent a apartment anywhere in the United States where the owner will accept the voucher and the rents are in an allowable range, subject to approval. If you move out, however, the voucher is no longer "enhanced," and the amount of Section 8 assistance that is paid on your behalf will be based on the PHA's normally applicable payment standard.



ADDITIONAL ASSISTANCE

For additional help or information, you may contact:

- Your property manager or the management company
- The account executive for your property in HUD's Multifamily Regional Center or Regional Satellite Center
- HUD's National Multifamily Housing Clearinghouse at 1-800-685-8470 to report maintenance or management concerns
- HUD's Office of Fair Housing and Equal Opportunity at 1-800-669-9777, if you believe you've been discriminated against
- HUD's Office of Inspector General Hot Line at 1-800-347-3735 to report fraud, waste, or mismanagement
- HUD's Housing Counseling Service locator at 1-800-569-4287 for the housing counseling agency in your community
- Your local government tenant/landlord affairs office, legal services office or tenant organizations to obtain information on additional rights under local and state law
- If appealing a local HUD Office decision, you may contact the Director of the Office of Asset Management and Portfolio Oversight in Washington, DC at 202-708-3730

ON-LINE RESOURCES:

- **Housing and Urban Development website:** www.hud.gov
- **The local HUD Field Office:** <http://www.hud.gov/local/index.cfm>.
- **Note: To locate your local field office, select:** Contact My Local Office (*under the I Want To section*)



U.S. Department of Housing and Urban Development

Office of Multifamily Housing Programs

Washington, DC 20410-0000 Official Business

Penalty for Private Use \$300



This brochure about your rights and responsibilities as a resident of HUD assisted multifamily housing is available in 13 alternate languages in addition to English and Braille. To determine if your language is available, please contact HUD's National Multifamily Housing Clearinghouse at 1-800-685-8470 or visit <http://www.hud.gov/offices/fheo/lep.xml>.

FACT SHEET

For HUD ASSISTED RESIDENTS

Project-Based Section 8

“HOW YOUR RENT IS DETERMINED”

Office of Housing

September 2010

This Fact Sheet is a general guide to inform the Owner/Management Agents (OA) and HUD-assisted residents of the responsibilities and rights regarding income disclosure and verification.

Why Determining Income and Rent Correctly is Important

Department of Housing and Urban Development studies show that many resident families pay incorrect rent. The main causes of this problem are:

- Under-reporting of income by resident families, and
- OAs not granting exclusions and deductions to which resident families are entitled.

OAs and residents all have a responsibility in ensuring that the correct rent is paid.

OAs' Responsibilities:

- Obtain accurate income information
- Verify resident income
- Ensure residents receive the exclusions and deductions to which they are entitled
- Accurately calculate Tenant Rent
- Provide tenants a copy of lease agreement and income and rent determinations Recalculate rent when changes in family composition are reported
- Recalculate rent when resident income decreases
- Recalculate rent when resident income increases by \$200 or more per month
- Recalculate rent every 90 days when resident claims minimum rent hardship exemption
- Provide information on OA policies upon request
- Notify residents of any changes in requirements or practices for reporting income or determining rent

Residents' Responsibilities:

- Provide accurate family composition information
- Report all income
- Keep copies of papers, forms, and receipts which document income and expenses
- Report changes in family composition and income occurring between annual recertifications
- Sign consent forms for income verification
- Follow lease requirements and house rules

Income Determinations

A family's anticipated gross income determines not only eligibility for assistance, but also determines the rent a family will pay and the subsidy required. The anticipated income, subject to exclusions and deductions the family will receive during the next twelve (12) months, is used to determine the family's rent.

What is Annual Income?

Gross Income – Income Exclusions = Annual Income

What is Adjusted Income?

Annual Income – Deductions = Adjusted Income

Determining Tenant Rent

Project-Based Section 8 Rent Formula:

The rent a family will pay is the **highest** of the following amounts:

- 30% of the family's monthly *adjusted* income
 - 10% of the family's monthly income
 - Welfare rent or welfare payment from agency to assist family in paying housing costs.
- OR
- \$25.00 Minimum Rent

Income and Assets

HUD assisted residents are required to report **all** income from all sources to the Owner or Agent (OA).

Exclusions to income and deductions are part of the tenant rent process.

When determining the amount of income from assets to be included in annual income, the actual income derived from the assets is included except when the cash value of all of the assets is in excess of \$5,000, then the amount included in annual income is the higher of 2% of the total assets or the actual income derived from the assets.

Annual Income Includes:

- Full amount (before payroll deductions) of wages and salaries, overtime pay, commissions, fees, tips and bonuses and other compensation for personal services
- Net income from the operation of a business or profession
- Interest, dividends and other net income of any kind from real or personal property (See Assets Include/Assets Do Not Include below)
- Full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except for deferred periodic payments of supplemental security income and social security benefits, see Exclusions from Annual Income, below)
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except for lump-sum additions to

family assets, see Exclusions from Annual Income, below Welfare assistance

- Periodic and determinable allowances, such as alimony and child support payments and regular contributions or gifts received from organizations or from persons not residing in the dwelling
- All regular pay, special pay and allowances of a member of the Armed Forces (except for special pay for exposure to hostile fire)
- For Section 8 programs only, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965, shall be considered income to that individual, except that financial assistance is not considered annual income for persons over the age of 23 with dependent children or if a student is living with his or her parents who are receiving section 8 assistance. For the purpose of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

Assets Include:

- Stocks, bonds, Treasury bills, certificates of deposit, money market accounts
- Individual retirement and Keogh accounts
- Retirement and pension funds
- Cash held in savings and checking accounts, safe deposit boxes, homes, etc.
- Cash value of whole life insurance policies available to the individual before death
- Equity in rental property and other capital investments
- Personal property held as an investment
- Lump sum receipts or one-time receipts
- Mortgage or deed of trust held by an applicant
- Assets disposed of for less than fair market value.

Assets Do Not Include:

- Necessary personal property (clothing, furniture, cars, wedding ring, vehicles specially equipped for persons with disabilities)
- Interests in Indian trust land
- Term life insurance policies
- Equity in the cooperative unit in which the family lives
- Assets that are part of an active business
- Assets that are not effectively owned by the applicant

or are held in an individual's name but:

- The assets and any income they earn accrue to the benefit of someone else who is not a member of the household, and
- that other person is responsible for income taxes incurred on income generated by the assets
- Assets that are not accessible to the applicant and provide no income to the applicant (Example: A battered spouse owns a house with her husband. Due to the domestic situation, she receives no income from the asset and cannot convert the asset to cash.)
- Assets disposed of for less than fair market value as a result of:
 - Foreclosure
 - Bankruptcy
 - Divorce or separation agreement if the applicant or resident receives important consideration not necessarily in dollars.

Exclusions from Annual Income:

- Income from the employment of children (including foster children) under the age of 18
- Payment received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone)
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
- Income of a live-in aide
- Subject to the inclusion of income for the Section 8 program for students who are enrolled in an institution of higher education under Annual Income Includes, above, the full amount of student financial assistance either paid directly to the student or to the educational institution
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- Amounts received under training programs funded by HUD
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and

benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS)

- Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program
- Resident service stipend (not to exceed \$200 per month)
- Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs and training of a family member as resident management staff
- Temporary, non-recurring or sporadic income (including gifts)
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era
- Earnings in excess of \$480 for each full time student 18 years old or older (excluding head of household, co-head or spouse)
- Adoption assistance payments in excess of \$480 per adopted child
- Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home

Federally Mandated Exclusions:

- Value of the allotment provided to an eligible household under the Food Stamp Act of 1977
- Payments to Volunteers under the Domestic Volunteer Services Act of 1973
- Payments received under the Alaska Native Claims Settlement Act
- Income derived from certain submarginal land of the US that is held in trust for certain Indian Tribes

- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program
- Payments received under programs funded in whole or in part under the Job Training Partnership Act
- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians
- The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands
- Payments received from programs funded under Title V of the Older Americans Act of 1985
- Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent-product* liability litigation
- Payments received under the Maine Indian Claims Settlement Act of 1980
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990
- Earned income tax credit (EITC) refund payments on or after January 1, 1991
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation
- Allowance, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990
- Any allowance paid under the provisions of 38U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran
- Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act
- Allowances, earnings and payments to individuals participating under the Workforce Investment Act of 1998.

Deductions:

- \$480 for each dependent including full time students or persons with a disability
- \$400 for any elderly family or disabled family
- Unreimbursed medical expenses of any elderly family or disabled family that total more than 3% of Annual Income
- Unreimbursed reasonable attendant care and auxiliary apparatus expenses for disabled family member(s) to allow family member(s) to work that total more than 3% of Annual Income
- If an elderly family has both unreimbursed medical expenses and disability assistance expenses, the family's 3% of income expenditure is applied only one time.
- Any reasonable child care expenses for children under age 13 necessary to enable a member of the family to be employed or to further his or her education.

Reference Materials

Legislation:

- Quality Housing and Work Responsibility Act of 1998, Public Law 105-276, 112 Stat. 2518 which amended the United States Housing Act of 1937, 42 USC 2437, et seq.

Regulations:

- General HUD Program Requirements; 24 CFR Part 5

Handbook:

- 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs

Notices:

"Federally Mandated Exclusions" Notice 66 FR 4669, April 20, 2001

For More Information:

Find out more about HUD's programs on HUD's Internet homepage at <http://www.hud.gov>



Rural Housing and Community Programs

Things You Should Know About USDA Rural Rental Housing

Don't risk losing your chances for federally assisted housing by providing false, incomplete, or inaccurate information on your application or recertification

Penalties for Committing Fraud

You must provide information about your household status and income when you apply for assisted housing in apartments financed by the U.S. Department of Agriculture (USDA). USDA places a high priority on preventing fraud. If you deliberately omit information or give false information to the management company on your application or recertification forms, you may be:

- Evicted from your apartment;
- Required to repay all the extra rental assistance you received based on faulty information;
- Fined;
- Put in prison and/or barred from receiving future assistance.

Your State and local governments also may have laws that allow them to impose other penalties for fraud in addition to the ones listed here.

How To Complete Your Application

When you meet with the landlord to complete your application, you must provide information about:

- **All Household Income.** List all sources of money that you receive. If any other adults will be living with you in the apartment, you must also list all of their income. Sources of money include:
 - Wages, unemployment and disability compensation, welfare payments, alimony, Social Security benefits, pensions, etc.;
 - Any money you receive on behalf of your children, such as child support, children's Social Security, etc.;
 - Income from assets such as interest from a savings account, credit union, certificate of deposit, stock dividends, etc.;
 - Any income you expect to receive, such as a pay raise or bonus.
- **All Household Assets.** List all assets that you have. If any other adults will be living with you, you must also list all of their assets. Assets include:
 - Bank accounts, savings bonds, certificates of deposit, stocks, real estate, etc.;
 - Any business or asset you sold in the last 2 years for less than its full value, such as selling your home to your children.

- **All Household Members.** List the names of all the people, including adults and children, who will actually live with you in the apartment, whether or not they are related to you.

Ask for Help if You Need It

If you are having problems understanding any part of the application, let the landlord know and ask for help with any questions you may have. The landlord is trained to help you with the application process.

Before You Sign the Application

- Make sure that you read the entire application and understand everything it says;
- Check it carefully to ensure that all the questions have been answered completely and accurately;
- Don't sign it unless you are sure that there aren't any errors or missing information.

By signing the application and certification forms, you are stating that they are complete to the best of your knowledge and belief. Signing a form when you know it contains misinformation is considered fraud.

- The management company will verify your information. USDA may conduct computer matches with other Federal, State or private agencies to verify that the income you reported is correct;
- Ask for a copy of your signed application and keep a copy of it for your records.

Tenant Recertification

Residents in USDA-financed assisted housing must provide updated information to the management company at least once a year. Ask your landlord when you must recertify your income.

You must **immediately** report:

- Any changes in income of \$100 or more per month;
- Any changes in the number of household members.

For your annual recertification, you must report:

- All income changes, such as increases in pay or benefits, job change or job loss, loss of benefits, etc., for any adult household member;

- Any household member who has moved in or out;
- All assets that you or your adult housemates own, or any assets that were sold in the last 2 years for less than their full value.

Avoid Fraud, Report Abuse

Prevent fraudulent schemes through these steps:

- Don't pay any money to file your application;
- Don't pay any money to move up on the waiting list;
- Don't pay for anything not covered by your lease;
- Get receipts for any money you do pay;
- Get a written explanation for any money you are required to pay besides rent, such as maintenance charges.

Report Abuse: If you know anyone who has falsified an application, or who tries to persuade you to make false statements, report him or her to the manager. If you cannot report to your manager, call your local or state USDA office at 1 (800) 670-6553, or write: USDA, STOP 0782, 1400 Independence Ave., SW, Washington, DC 20250.

If You Disagree With a Decision

Tenants may file a grievance in writing with the complex owner in response to the owner's actions, or failure to act, that result in a denial, significant reduction, or termination of benefits. Grievances may also be filed when a tenant disputes the owner's notice of proposed adverse action.

Notice of Adverse Action

The complex owner must notify tenants in writing about any proposed actions that may have adverse consequences, such as denial of occupancy and changes in the occupancy rules or lease. The written notice must give specific reasons for the proposed action, and must also advise tenants of the "right to respond to the notice within 10 calendar days after the date of the notice" and of "the right to a hearing." Housing complexes in areas with a concentration of non-English-speaking people must send notices in English and in the majority non-English language.

Grievance Process Overview

USDA believes that the best way to resolve grievances is through an informal meeting between tenants and the landlord or owner. Once the owner learns about a tenant grievance, the process should begin with an informal meeting between the two parties. Owners must offer to meet with tenants to discuss the grievance within 10 calendar days of receipt of the complaint. USDA encourages owners and tenants to try to reach a mutually satisfactory resolution to the problem at the meeting.

If the grievance is not resolved, the tenant must request a hearing within 10 days of receipt of the meeting findings. The parties will then select a hearing panel or hearing officer to govern the hearing. All parties are notified of the decision 10 days after the hearing.

When a Grievance Is Legitimate

The landlord must determine if a grievance is within the established rules for the program. For example, "I want to file a complaint because the manager doesn't speak to me" is not a legitimate complaint. However, "I want to file a complaint because the manager isn't maintaining the property according to USDA guidelines" is a legitimate complaint. Below are examples of cases in which tenants may and may not file a complaint.

A complaint may not be filed with the owner/management if:	A complaint may be filed with the owner/management if:
USDA has authorized a proposed rent change.	There is a modification of the lease, or changes in the rules or rent that are not authorized by USDA.
A tenant believes that he/she has been discriminated against because of race, color, religion, national origin, sex, age, familial status, or disability. Discrimination complaints should be filed with USDA and/or the Department of U.S. Housing and Urban Development (HUD), not with the owner/management.	The owner or management fails to maintain the property in a decent, safe, and sanitary manner.
The complex has formed a tenant's association and all parties have agreed to use the association to settle grievances.	The owner violates a lease provision or occupancy rule.
USDA has required a change in the rules and proper notices have been given.	A tenant is denied admission to the complex.
The tenant is in violation of the lease and the result is termination of tenancy.	
There are disputes between tenants that do not involve the owner/management.	
Tenants are displaced or other adverse effects occur as a result of loan prepayment.	

PA 1998
December 2008

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.



APPLYING FOR HUD HOUSING ASSISTANCE?

**THINK ABOUT THIS...
IS FRAUD WORTH IT?**

Do You Realize...

If you commit fraud to obtain assisted housing from HUD, you could be:

- **Evicted** from your apartment or house.
- **Required to repay** all overpaid rental assistance you received.
- **Fined** up to \$10,000.
- **Imprisoned** for up to five years.
- **Prohibited** from receiving future assistance.
- **Subject** to State and local government penalties.

Do You Know...

You are committing fraud if you sign a form knowing that you provided false or misleading information.

The information you provide on housing assistance application and recertification forms will be checked. The local housing agency, HUD, or the Office of Inspector General will check the income and asset information you provide with other Federal, State, or local governments and with private agencies. Certifying false information is fraud.

So Be Careful!

When you fill out your application and yearly recertification for assisted housing from HUD make sure your answers to the questions are accurate and honest. You must include:

All sources of income and changes in income you or any members of your household receive, such as wages, welfare payments, social security and veterans' benefits, pensions, retirement, etc.

Any money you receive on behalf of your children, such as child support, AFDC payments, social security for children, etc.

Any increase in income, such as wages from a new job or an expected pay raise or bonus.

All assets, such as bank accounts, savings bonds, certificates of deposit, stocks, real estate, etc., that are owned by you or any member of your household.

All income from assets, such as interest from savings and checking accounts, stock dividends, etc.

Any business or asset (your home) that you sold in the last two years at less than full value.

The names of everyone, adults or children, relatives and non-relatives, who are living with you and make up your household.

(Important Notice for Hurricane Katrina and Hurricane Rita Evacuees: HUD's reporting requirements may be temporarily waived or suspended because of your circumstances. Contact the local housing agency before you complete the housing assistance application.)

Ask Questions

If you don't understand something on the application or recertification forms, always ask questions. It's better to be safe than sorry.

Watch Out for Housing Assistance Scams!

- Don't pay money to have someone fill out housing assistance application and recertification forms for you.
- Don't pay money to move up on a waiting list.
- Don't pay for anything that is not covered by your lease.
- Get a receipt for any money you pay.
- Get a written explanation if you are required to pay for anything other than rent (maintenance or utility charges).

Report Fraud

If you know of anyone who provided false information on a HUD housing assistance application or recertification or if anyone tells you to provide false information, report that person to the HUD Office of Inspector General Hotline. You can call the Hotline toll-free Monday through Friday, from 10:00 a.m. to 4:30 p.m., Eastern Time, at 1-800-347-3735. You can fax information to (202) 708-4829 or e-mail it to Hotline@hudoig.gov. You can write the Hotline at:



HUD OIG Hotline, GFI
451 7th Street, SW
Washington, DC 20410

Featuring an expansive living & dining space, open kitchen, and lots of closet space!

- 596 Square Feet
- Open Living Plan
- Laundry On-site
- Private Entrance

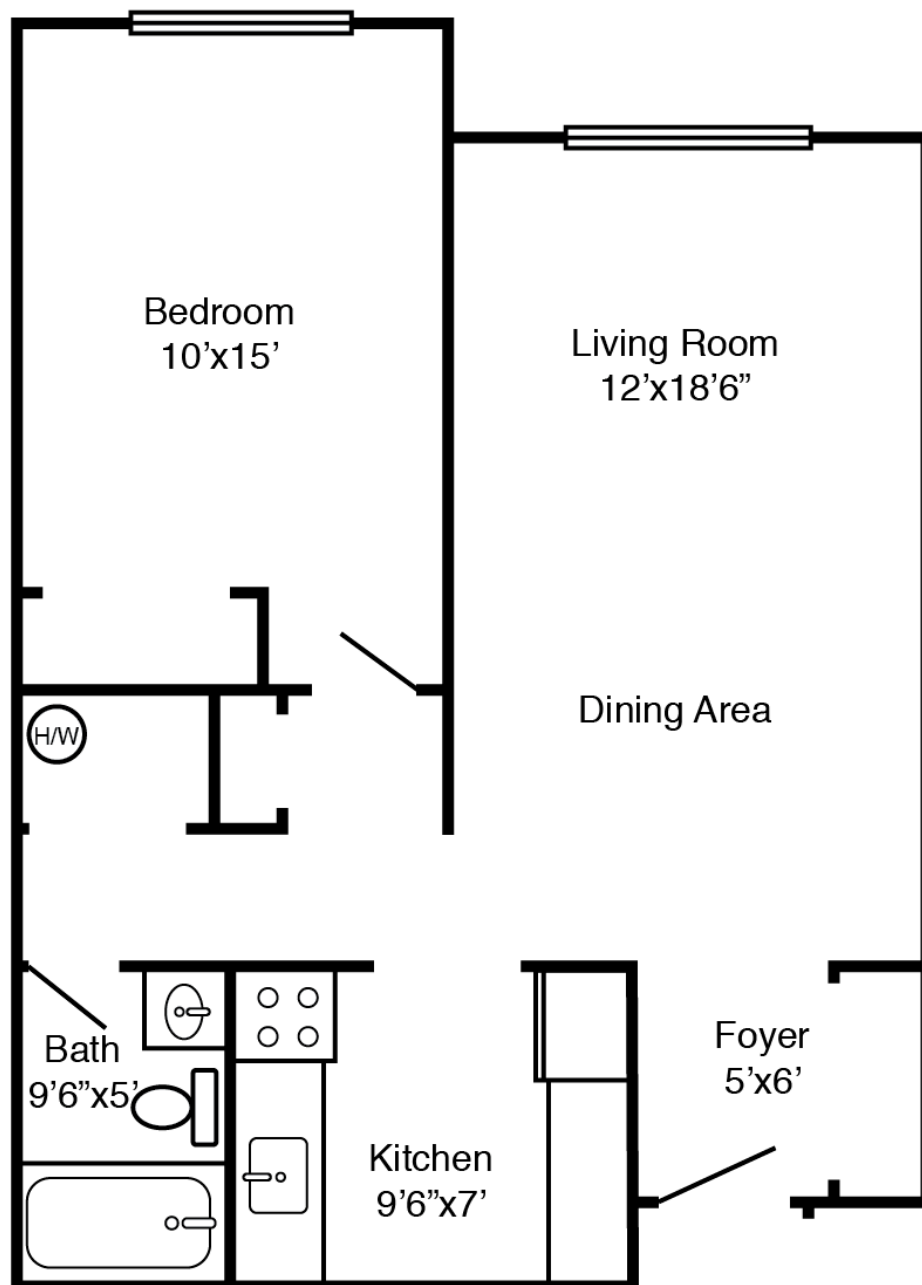


1



1

*Floorplans are artists' renderings and square footages are approximate



Wallace
Court

2 BEDROOM

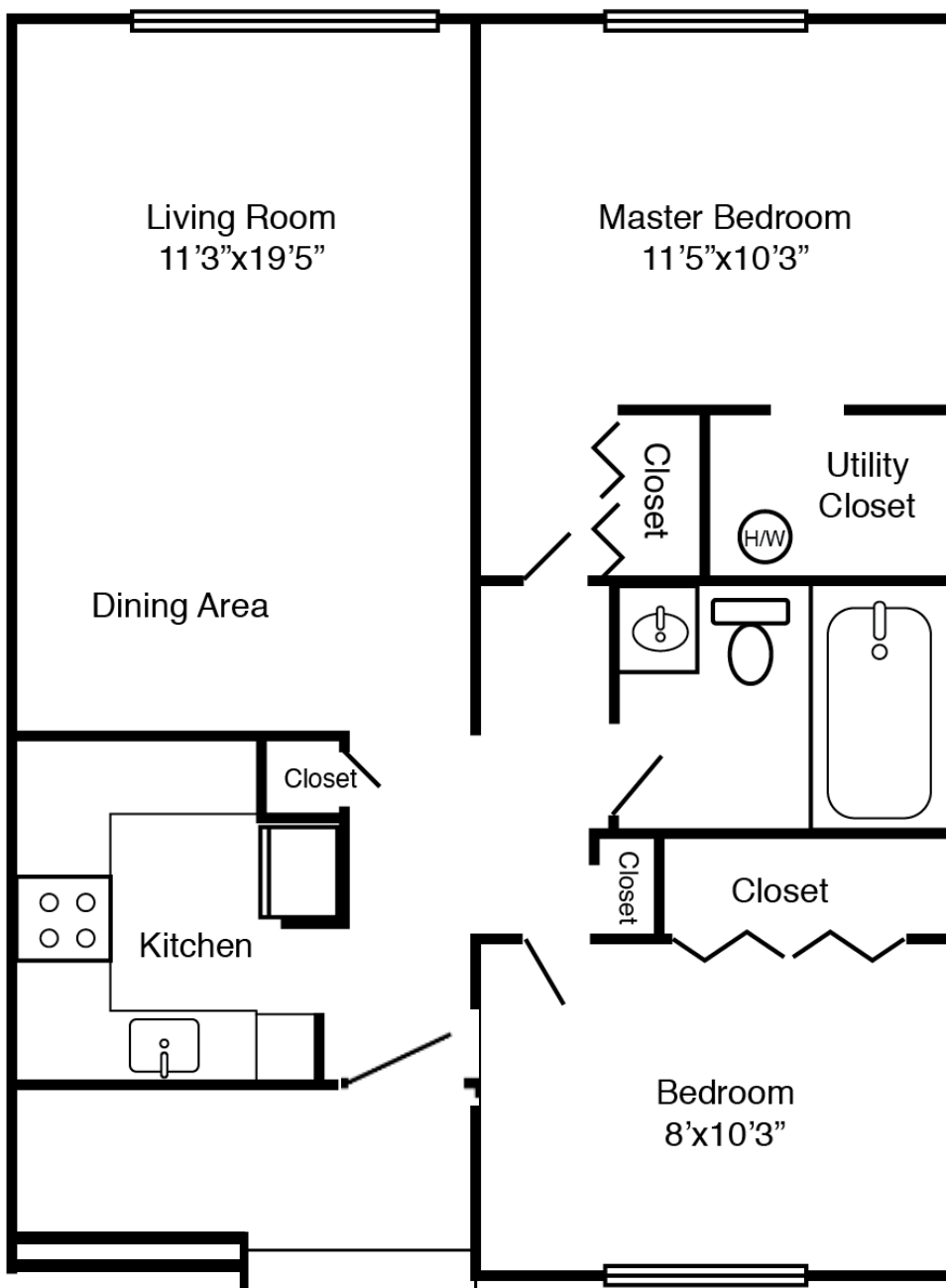
\$_____

Featuring an expansive living & dining space, open kitchen, and lots of closet space!

- 724 Square Feet
- Open Living Plan
- Laundry On-site
- Private Entrance



*Floorplans are artists' renderings and square footages are approximate



wallacecourt.com | (717) 762-7115
wallace@hrehllc.com

HUMPHREY
MANAGEMENT
CREATING THRIVING COMMUNITIES

