



Pathways at North Loop

A Subsidiary of the Housing Authority of the City of Austin

Tenant Selection Plan

**Project Based Rental Assistance &
Low Income Housing Tax Credit
Housing for Elderly
& People with Disabilities**

Pathways At North Loop Tenant Selection Plan

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OWNER/AGENT & PROPERTY INFORMATION

Owner/Agent Name	Housing Authority of the City of Austin
Owner/Agent Contact Name	
Owner/Agent Address	1124 S IH 35
City, State, Zip	Austin, TX 78704
Owner/Agent Phone	(512) 477-4488
Owner/Agent Fax	(512) 472-2958
TTY/TDD/Audio Relay	1-800-735-2989 or 711 National Voice
Property Name	Pathways At North Loop
Property Manager Name	Linda Valdez
Property Address	2300 W Northloop Blvd
City, State, Zip	Austin, TX 78756
Property Phone	(512) 452-5098
Property Fax	(512) 452-5261
TTY/TDD/Audio Relay	1-800-735-2989 Or 711 National Voice Relay

THE PURPOSE OF THE RESIDENT SELECTION PLAN

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

AVAILABILITY OF ASSISTANCE FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)" requires the owner/agent to develop and implement a system to provide communication assistance so persons with Limited English Proficiency (LEP) can have meaningful access to assisted housing opportunities. The owner/agent will provide for such meaningful access consistent with, and without unduly burdening the fundamental mission of the property. The owner/agent will work to ensure that people who apply for and/or qualify for housing assistance are provided meaningful access to HUD's housing assistance program.

- Please contact the management office if you need help understanding this document.
- Contacte por favor la oficina de gestión si usted necesita ayuda a comprender este documento. (Spanish)
- Por favor contate o escritório de gerência se deve ajudar entendimento este documento. (Portuguese)
- Si vous avez besoin d'aide à la compréhension de ce document, veuillez communiquer avec le Bureau de gestion. (French)
- Souple kontakte Biwo jesyon a si w bezwen èd pou konprann dokiman sa a. (Haitian Creole)
- Xin liên lạc với văn phòng điều hành nếu bạn cần giúp đỡ sự hiểu biết tài liệu này. (Vietnamese)
- Пожалуйста свяжитесь с офисом управления, если Вам нужна помощь в понимании этого документа. (Russian)
- Bitte kontaktieren Sie das Leitungsbüro, wenn Sie helfen müssen, dieses Dokument zu verstehen. (German)

- 請聯絡管理辦公室，如果你需要幫助理解這份文件。(Chinese)
- もしこの文書を理解しているための助けを必要としていれば、経営オフィスと連絡を取ってください。(Japanese)

RULES OF CONDUCT

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

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

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

To ensure the privacy of property staff, property residents and applicants, residents and applicants are asked to refrain from use of cell phones or other electronic devices, except those necessary to alleviate the symptoms of a disability, by residents or applicants, while in the management office or Administration Central Office.

Assistance Animals are always welcome in the management office. Please keep all pets outside the management office at all times.

Admissions Department staff is not permitted to accept any money, gifts, services or favors connected with the application process, criminal or credit checks, eligibility determination, apartment selection or associated with any aspect of residency on this property. If staff solicits any mandatory payment for any part of the application process, the applicant should notify the owner/agent at (512) 477-4488.

SMOKE FREE HOUSING

Smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors. This policy applies to all owner/agents, property staff, applicants, residents, guests, and servicepersons. "Smoking" shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, cigar, pipe, hookah, other tobacco products, marijuana including medical marijuana, herbal smoking products "Legal Weed" or products known as "bath salts" or other legal or illegal substances.

ASSISTANCE DEFINITION

The property is operating under the guidelines established for two layered housing programs - the HUD Project Based Rental Assistance (PBRA) program and the Low Income Housing Tax Credit (LIHTC) program. Of the XXX tax credit units at this property, XXX are also layered with PBRA subsidy. Because this plan covers the eligibility and tenant selection requirements for both programs, there are some areas of the plan that will only be applicable to one program. Those areas are identified throughout the plan. A person must be capable of fulfilling all the lease requirements for both programs.

SUBSIDY

Residents at this property are offered subsidized rent. This means the rent that a household pays is based upon the household income. The family will pay 30% of their adjusted household income, 10% of their gross household income or \$25 – whichever is higher. The balance of the contract rent is subsidized by the Federal Government. The rent amounts paid by residents may vary.

TENANT-BASED VOUCHERS

The owner/agent may not admit an applicant with a voucher to a unit with Project Based Rental Assistance unless the applicant agrees to surrender the voucher assistance prior to occupancy. This will be verified with the former housing provider.

Please note that housing assistance provided through HUD's multi-family housing program is not the same as the housing assistance provided through the voucher program. If a family moves out, the housing subsidy will not move with the family as it does with a voucher.

ASSISTED LIVING

This is not an assisted living property. The owner/agent and property staff do not provide, nor have the authority to provide, any personal care or personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). The owner/agent and property staff do not provide assistance with personal activities or daily living.

FAIR HOUSING POLICIES

FAIR HOUSING

The owner/agent will not discriminate in any of the following ways:

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

The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status. In addition, the city of Austin has added Fair Housing protections based on creed, student status, marital status, sexual orientation, gender identity and age.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

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

SECTION 504 OF THE REHABILITATION ACT OF 1973

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

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

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

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

Name of Section 504 Coordinator:	Vice President of Housing and Community Development
Address:	1124 S IH 35, Austin, TX 78704
Phone Number:	(512) 477-4488
TDD/TTY Number:	1-800-735-2989 Or 711 Voice Relay

- **Requests for Reasonable Accommodation or Modification**

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the owner/agent will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden.

PRIVACY POLICY

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

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

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

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

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

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

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

The owner/agent will provide an individual with a copy of the VAWA Policy upon request.

THE EQUAL ACCESS RULE

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

ELIGIBILITY REQUIREMENTS

PROPERTY ELIGIBILITY DEFINITION

- **Household/Resident Type**

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

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

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

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

- Means a person who
 - Has a disability, as defined in 42 U.S.C. 423;
 - Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
 - In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i)(1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.
 - Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration,
 - Substantially impedes his or her ability to live independently, and
 - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
 - Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that
 - Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - Is manifested before the person attains age 22;
 - Is likely to continue indefinitely;

- Results in substantial functional limitation in three or more of the following areas of major life activity:
 - Self-care,
 - Receptive and expressive language,
 - Learning,
 - Mobility,
 - Self-direction,
 - Capacity for independent living, and
 - Economic self-sufficiency; and
- Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means person with disabilities (individual with handicaps), as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities

Note: *A person whose sole impairment is alcoholism or drug addiction (i.e., who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Project Based Rental Assistance program.*

- **Definition of Nonelderly Disabled (Handicapped) Family.**

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

- **Income Limits**

Income limits vary by program type (PBRA or LIHTC) and household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>.

HUD requires that the owner/agent incorporate the most recently published income limits when determining eligibility. The IRS "hold harmless" rule states that if the income limits go down, the property can maintain the highest level of income limits in effect after the property was placed in service with tax credits.

This property is a layered property with all units required to meet both the PBRA and LIHTC income limit requirements. Both income limits are based off a percentage of the median family income for the Austin – Round Rock – San Marcos metropolitan statistical area. Since the LIHTC income limit is lower, by default it becomes the effective income limit for the property.

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

Subsidy	Type of Income Limit
Project Based Rental Assistance (PBRA)	Low – 80% of median income

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
80	\$43,600	\$49,800	\$56,050	\$62,250	\$67,250	\$72,250	\$77,200	\$82,200

Subsidy	Type of Income Limit
Low Income Housing Tax Credit (LIHTC)	Low – 60% of median family income

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
60	\$ 32,700	\$ 37,380	\$ 42,060	\$ 46,680	\$ 50,460	\$ 54,180	\$ 57,900	\$ 61,620

- **Occupancy Standards**

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

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

Number of Bedrooms	Min. # Household Members	Max. # Household Members
0	1	1
1	1	2
2	2	4

- Generally there is a maximum of two people per bedroom. The owner/agent does not determine who shares a bedroom.
- The family is given the choice of which bedroom size is appropriate for their family, as long as the number of family members is within the range listed in the chart above.
- Once the family has selected an eligible bedroom size they will be placed on the waiting list for that bedroom size. Changes to the bedroom size cannot be made unless a qualifying event occurs.

Qualifying events include:

- Changes in the family composition (removing or adding household members) which result in the family no longer being eligible for the chosen bedroom size.
- Changes in the ages of the children, resulting in two children of the opposite sex, with one at least seven (7) years of age. These children will not be required to share a bedroom,
- Changes in family composition adding persons of different generations (grandparent, grandchild, parent, etc). These family members will not be required to share a bedroom.
- Need for a different bedroom size as a reasonable accommodation for a disability.

- Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
- Anticipated children will be included. Anticipated children include:
 - Children expected to be born to a pregnant woman;
 - Children in 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 who will return to the family; and
 - Children in joint custody arrangements who are present in the household 50% or more of the time.
- A household that contains a family member (not the head of household or spouse) who is enrolled as a full-time student at an institution of higher learning and who is on the lease will be counted for the purposes of establishing occupancy standards for unit size if:
 - the family member is enrolled and actively attending a two-year or four-year college or university; and
 - the family member resides in the public housing unit during school breaks and holidays.

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit at the same property when one becomes available. Once an appropriate size unit is offered to the family, they have 30 days to complete the transfer or lose their subsidy.

- Verifying the Need for an Accessible Unit

When an applicant requests an accessible unit or a unit preference, such as a first floor unit, the owner/agent will conduct inquiries to:

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

Verification of this information can be provided by any person who has reasonable knowledge of the family's need for this accommodation.

PROGRAM ELIGIBILITY

- Eligibility Standards

Based on federal regulations, the owner/agent may admit only eligible applicants. In the selection of applicants for admission, eligibility criteria have been established in accordance with HUD guidelines. The following eligibility standards will be applied in accordance with HUD requirements:

- The household's annual gross income must not exceed program income limits at move-in
- The Head-of-Household (HOH), co-Head-of-Household and the spouse (regardless of age) and all adults in each household must sign an Authorization for Release of Information (HUD Forms 9887 and 9887A) and owner/agent created verification documents prior to receiving assistance and annually thereafter
- The unit for which the household is applying must be the household's only residence

- An applicant must 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
- Applicants who claim eligible status must disclose Social Security Numbers for all household members and provide proof of the numbers reported (*See additional information below*)
- The household size must be appropriate for the available apartments (*See Occupancy Standards*)
- All information reported by the household is subject to verification
- Disclosure and Verification of Social Security Numbers

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

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

The Social Security Number requirements do not apply to:

 - Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
 - Individuals who do not contend eligible immigration status. When applicants and residents are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed.
 - If a child under the age of 6 years is added to the applicant household within the 6-month period prior to the household's date of admission, the assistance applicant may become a participant, so long as the documentation required in this section is provided to the processing entity within 90 calendar days from the date of admission into the program. The owner/agent will grant an extension of one additional 90-day period if the owner/agent determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably been foreseen and were outside the control of the applicant. If the applicant family fails to produce the documentation required in this section within the required time period, the owner/agent may terminate assistance or tenancy of the entire family.

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

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

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

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

- Citizenship/Immigration Status Requirements

Applicants are required to declare U.S. citizenship or submit evidence of eligible immigration status for each household member seeking housing assistance. The owner/agent is required to obtain the following:

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

If any applicant has questions or experiences difficulty providing the described information or determining the type of documentation required, the applicant should contact the management office. If any applicant is unable to provide the required documentation in the timeframe indicated in Appendix A, the applicant must contact the management office to request an extension. If any applicant fails to provide this information in the timeframes described, the owner/agent cannot provide assistance and the application will be rejected.

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

- At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this resident selection plan
- Assistance/unit is available
- The household is the next household to be selected from the waiting list

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

Applicants who claim eligible immigration status must provide documentation to support that status. See appendix A for more information.

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

- Single Residence/Subsidy Criteria

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

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

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

There is an exception to this rule. Children in joint custody arrangements can receive HUD housing assistance in two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the dependent deduction to determine adjusted income. In these cases, additional verification is required. The owner/agent will request:

- Verification of the custody/guardianship/living arrangement
- Verification of the use of the deduction. The owner/agent will verify use of the dependent deduction with the other owner/agent if :
 - The child will live in the unit at least 50% of the time and
 - The parent wishes to claim the deduction, and
 - Both families are receiving HUD housing assistance

There is a second exception to this. If a member of an existing household leaves that household to establish their own unit, HUD allows for a temporary overlap of subsidy (not to exceed 60 days) to allow for the interim recertification to go into effect for the original household.

- **Eligibility of Students Enrolled at an Institute for Higher Education**

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All adult students are required to report any change in their student status. A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall not be provided to any individual who:

- Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
- Is under the age of 24; and
- Is not married; and
- Is not a veteran of the United States Military; and
- Does not have a dependent child; and
- Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005; 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 or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

NOTE: *Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Project Based Rental Assistance (PBRA) and the parents (individually or jointly) must be eligible (income eligible) to receive PBRA assistance in order for the student to receive PBRA assistance.*

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

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or**, meet the U.S. Department of Education's definition of an independent student.
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
- If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated

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

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition shall be considered income to that individual, except for:

- A person 24 years of age or older with dependent children as defined by HUD or
- A person living with his/her parents

The definition of tuition is consistent with the definition provided by the Department of Education and includes all tuition plus mandatory course-related fees associated with being enrolled at that institution of higher education. This does not include the cost of books.

- **Additional Tax Credit Eligibility Requirements for Students Enrolled at an Institute of Higher Education**

Households composed entirely of full-time students are not eligible for tax credit program unless they meet one of these 5 criteria:

- Married and filing a joint tax return or eligible to file a joint tax return, or
- Single parent, at least 1 child, neither of whom is a dependent on another person's tax return, except for the return of the other parent of the child, or
- Receiving welfare or TANF, or
- Participating in job-training program funded through Workforce Investment Act, or
- Household member was a participant in the foster care program.

- **Prohibition of Assistance to Noncitizen Students**

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

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

PROCEDURES FOR TAKING PRE-APPLICATIONS & APPLICATIONS

Applications for housing at this property are only received online or at the owner/agent's office location. Applications are not received at the property management office.

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

PRE-APPLICATIONS

Applicants will first complete a pre-application to have their name placed on the waiting list for housing at [name of property]. Pre-applications can be submitted on the internet at www.austin.apply4housing.com from any device with internet access (including smartphone, tablet, desktop or other device). For a list of local places with free internet access please contact HACA. The owner/agent will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Please contact HACA to request that accommodation.

The entire pre-application must be completed in full and submitted before the applicant will be placed on the waiting list. Confirmation of successful submission will be provided by the online application portal if all requirements are met.

Due to long waiting lists and depending on the preferences for which an applicant family may qualify, the time spent on the waiting list may be anywhere from several months to several years. While waiting on the waiting list, applicants may check the status of their application by creating an account at <https://austin.ourpha.com/applicants>. In this applicant portal, applicants can update their contact information, report changes to their application and check the status of their application. It is the applicant's responsibility to keep all contact information current.

- **Incomplete Pre-Applications**
Electronic submissions of pre-applications cannot be submitted if they are incomplete. For pre-applications accepted by an alternate means, if the pre-application is not complete, the owner/agent will attempt to contact the applicant to obtain missing information. The applicant will have ten (10) business days to respond and provide missing information. If the applicant fails to provide required information within the ten (10) day period, the owner/agent will return the application.
- **Preliminary Determination of Applicant Eligibility**
Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD, IRS and property eligibility requirements. Upon receipt of the completed pre-application, the owner/agent will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. The

owner/agent will review the pre-application to ensure that there are no obvious factors that would make the applicant ineligible. Obvious factors include, but are not limited to:

- Owing a debt to the Housing Authority of the City of Austin (any property or program) that is still within the 4 year statute of limitations;
- Having been evicted (or vacated in lieu of eviction) from any HACA program within 5 years for drug related criminal activity;
- Having been evicted (or vacated in lieu of eviction) from any HACA program within 2 years for any reason other than drug related activity;
- The head of household on the application is currently a head of household living at this property;
- Having been denied admission to this program within the past 12 months for any reason at any property owned and administered by the Housing Authority of the City of Austin.
- Having rejected a housing offer for a unit of the same size at the same property within the last 12 months.

If an applicant is preliminarily ineligible, the owner/agent will send a notice to the applicant indicating that they are not eligible, including the reason(s) why they were determined ineligible and stating the family's rights to appeal the decision. This action will be completed in agreement with the owner/agent's Grievance and Appeals Policy which is available to the applicant upon request.

If a preliminary eligibility review indicates that a household is preliminarily eligible for tenancy, but units of appropriate size are not available, the owner / agent will place the household on the waiting list for the property and notify the household when their name comes to the top of the waiting list.

If an applicant is otherwise eligible but no appropriate unit exists in the property, the owner / agent will reject the pre-application.

The owner / agent will notify the applicant family if their pre-application is rejected for any reason.

APPLICATIONS

When the applicant family reaches the top of the waiting list, they will receive an invitation by mail to come to an eligibility interview.

- Applicant families can receive up to 3 invitations to attend an eligibility interview.
- If a family does not attend the scheduled appointment, a notice will be sent to the family and their name will be withdrawn from the waiting list. If the family responds within fifteen (15) calendar days of the notice and requests to be rescheduled, they will be placed back on the waiting list with their same date and time.
- Once the family misses their third scheduled appointment, they are no longer eligible to be placed back on the waiting list. The family will be required to submit a new application and start the process from the beginning.

During the eligibility interview process, the applicant family will complete a full application. All documents in the Application Package must be **completed in full**, signed and dated in order to be accepted. All adult applicants must complete the application package as instructed.

Upon request, the owner/agent will provide interested parties with a copy of the application package.

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The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the application package. Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

The owner/agent will require applicants to provide several documents as verification and proof of eligibility for housing. These will include:

- A government issued photo ID - used for verifying the identity of all applicants. A birth certificate or other government issued document which includes the applicant's name and date of birth – used to verify the age of all applicant family members.
- Proof of citizenship – which may include a US birth certificate, US passport or other government issued documents demonstrating citizenship.
- Proof of immigration status (if applicable) - which may include a permanent resident card, employment authorization card, I-94 visa or other government issued document indicating valid immigration status.
- A Social Security card or any other government issued document including the name and full SSN of all applicants.
- Verification of all sources of income, including (but not limited to) check stubs for employment, SS / SSI award letters, VA Pension award letters, TANF award letter, proof of child support and verification of asset income.
- All verified documents must be dated within 120 days of the date of receipt.

FINAL DETERMINATION OF ELIGIBILITY

Once the applicant family completes the eligibility interview, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the application will be approved. All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history. If the screening process determines that the family meets HUD's and the owner/agent's standards for admission, the family is found eligible.

LIVE-IN AIDES

Please contact the HACA central office Admissions Department if a live-in aide will be moving in to the unit. If the family plans to include a live-in aide, the live-in aide is not required to complete the same application forms. Live-in aides must complete the Live-in Aide Questionnaire and participate in screening and other O/A verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide. The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the resident is absent for an extended period of time or if the resident leaves for any reason. The live-in aide will be required to sign an acknowledgement the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.

WAITING LISTS

To ensure that applicants are appropriately and fairly selected for the next available unit, it is essential for the owner/agent to maintain waiting lists. The owner/agent will place the applicant household on the waiting list after preliminary eligibility determination is complete.

If applicants are eligible for more than one bedroom size, the applicants will have the option of choosing which bedroom size is appropriate for their family. Applicants will make this specifying a desired unit size when

completing the pre-application. The applicant will be placed on the waiting list for all indicated unit sizes/types as long as:

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

Once applicants have selected a bedroom size, they will not be allowed to change that selection unless a qualifying event has occurred. Please see the list of qualifying events in the Occupancy Standards section of this plan.

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

MAINTAINING WAITING LISTS

It is the policy of the owner/agent to administer its waiting list as required by HUD handbooks and IRS tax credit regulations. The owner/agent will update the waiting list by removing the names of applicants who are no longer interested in or no longer qualify for the PBRA and/or LIHTC program.

On a regular basis, as determined by the owner/agent considering the length of the waiting list, the owner/agent will contact each applicant household by mail, using the address provided on the pre-application. Applicants are responsible for updating their application with any changes in address. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

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

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

In addition, an adult member of the applicant household must contact the Admissions Department, in writing, if household information changes (i.e. number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, the owner/agent will:

- Update the waiting list information and
- Decide whether the household needs the same or a different unit

If, as a result of the household composition change, it is determined that the household will be on the waiting list for a different unit than originally indicated, the household will maintain their place on the waiting list for the new unit. If the waiting list is currently closed for the appropriate unit size, the application will be rejected and the household will be removed from the waiting list. If there are no units of the appropriate size on the property, the household will be rejected and will be removed from the waiting list.

REMOVAL OF APPLICANTS FROM THE WAITING LIST

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

- Applicant requests that the household name be removed

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

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

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

There are certain situations when the owner/agent may refuse to accept an application. The owner/agent will not accept pre-applications from individuals or families who:

- Were denied admission to this program within the past 12 months for any reason at any property owned and administered by the Housing Authority of the City of Austin.
- Owe a move out balance or debt to HACA for previous tenancy in any of HACA's housing programs that is not barred by the statute of limitations. There is a four year statute of limitations which ends the latter of:
 - Four years from the date the debt became delinquent; or
 - Four years from the date the final payment would have been due if the applicant signed a repayment agreement.
- Has been evicted or moved out in lieu of eviction from another property managed or owned by the owner/agent, or from the Public Housing or Housing Choice Voucher programs within the past two years for any reason other than drug related.
- Has been evicted or moved out in lieu of eviction from a HACA property or program for drug related reasons in the last five years
- Are currently housed at this property.
- Rejected a housing offer at the same property within the past year.

In addition, if an applicant previously accepted a unit offered by the owner/agent and the applicant failed to take possession of the unit on the agreed upon date without notice to the owner/agent, the owner/agent reserves the right to refuse all future applications.

SELECTING APPLICANTS FROM THE WAITING LIST

When an applicant family reaches the top of the waiting list, they will be invited in to the HACA Central Office Admissions Department to complete an eligibility interview. Once the family has been certified eligible, they will wait for the next unit to become available.

The owner/agent will contact the next certified eligible household *based on the selection criteria described in this plan* and make a housing offer to the family. No decisions to offer the unit shall be made until all information presented by the applicant has been verified and the final eligibility determination is complete.

- **Income Targeting (PBRA Only)**

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

At this time, no special selection methods are required to meet the Income Targeting requirements. The owner/agent is required to monitor compliance throughout the year. If, after periodic review, the owner/agent discovers that the Income Targeting Requirement will not be attained, the owner/agent will only select, in order, those applicants whose income falls within the extremely-low income levels. Once the Income Targeting Requirement is met, the owner/agent will return to the “natural” selection order.

PREFERENCES (PBRA ONLY)

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

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

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

- **Owner/agent-Adopted Preferences**

Unit Transfer Preference: Residents who have submitted a Unit Transfer Request and who are deemed eligible for the transfer are given preference on the waiting list. This means that a resident transferring from one unit to another will be offered a unit before an applicant. Unit transfers (on-property) will be weighted and offered in the following order:

- Emergency / Safety
- Reasonable Accommodation Request
- Over Housed
- Under Housed
- Make an Accessible Unit Available

- HUD Approved Preference

Preference for Elderly or Near-Elderly Head of Household, Spouse or Co-Head (Elderly / Near-Elderly):

Existing applicants or new applicants will be offered the opportunity to claim that they qualify as an Elderly or Near-Elderly household. To qualify for this preference, the applicant family must be either:

- **Near-Elderly:** Head of household, spouse or co-head is age 55 or older; or
- **Elderly:** Head of household, spouse or co-head is age 62 or older.

Such status will be verified, and when such verification is complete, applicant families will be added to the waiting list with the Elderly / Near-Elderly preference.

Preference for Families that have been Involuntarily Displaced by Natural Disaster or Government Action (Involuntarily Displaced):

Existing applicants or new applicants will be offered the opportunity to claim that they have been involuntarily displaced within six months of claiming the preference. Such status will be verified, and when such verification is complete, applicant families will be added to the waiting list with an involuntarily displaced preference.

Examples of involuntary displacement include, but are not limited to, displacement due to hurricane, tornado, flood, fire, or the exercise of eminent domain.

Documentation of eligibility for this preference is required. Sufficient documentation includes:

- Documents from FEMA, the State of Texas, the City of Austin or any other government agency indicating the destruction (or no longer livable status) of the applicant's residence due to natural disaster or government action within the previous 6 months.
- Documents from the Red Cross or other disaster support agency indicating that the applicant's residence has been destroyed or is no longer habitable due to natural disaster or government action.

Preference for Disabled Head of Household, Disabled Spouse or Disabled Co-head (Disability): Existing applicants and new applicants will be offered the opportunity to disclose the disability status of the head of household, spouse or co-head. When disclosed, the applicant family will be added to the waiting list with a disability preference.

Proof of disability will be required and verified at the time of eligibility determination. Sufficient documentation includes:

- A Social Security award letter,, SSI award letter, or Social Security Disability award letter indicating that the applicant is disabled; or
- Verification by a qualified medical professional indicating that the applicant meets the HUD definition of disability. This verification will be sent by the HACA Admissions Department staff to the qualified medical professional identified by the applicant and will be accompanied by a release of information and consent signed by the applicant.

- Preference Weights

The owner/agent will apply different weights to each preference. The heavier the weight, the higher the applicant will move up on the waiting list. Applicant families are limited to one preference per

household. If the family qualifies for more than one preference, the preference with the heaviest weight will be applied. The weights for each preference are as follows:

- 3 Elderly / Near-Elderly
- 2 Involuntarily Displaced
- 1 Disability

- Verification of Preferences

All preferences will be verified using the verification methodology described in this resident selection plan. This verification will be conducted at the time of the eligibility interview.

- When a Request for Preference is Denied

If it is determined that an applicant does not meet the criteria for receiving a preference, the applicant will receive written notice of this determination within ten (10) business days.

The notice will contain the reasons for the determination. The applicant has the right to appeal the decision. All requests for appeal must be received within fifteen (15) calendar days from the date of notification of denial. See the full appeals process located in this tenant selection plan.

- Change in Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact the owner/agent so that their change in status may be verified and the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the household does now qualify for a preference, they will be selected from the waiting list in accordance with the preference and the date the application was received.

- Exceptions to the Preference Rule

Management must give priority to current residents:

- Residing in a unit that has been determined uninhabitable due to flood, fire or other natural disaster
- When a unit is designated for rehabilitation or repair

These situations represent extenuating circumstances and the normal selection order may be adjusted to address the needs of these residents.

OPENING AND CLOSING WAITING LIST

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

On a regular basis, the owner/agent will review the number of families on the waiting list to determine whether the waiting list may be closed. If the owner/agent has sufficient applications, the waiting list may be closed

completely. Notices announcing that the waiting list is closed or open will be publicly announced in the following manner:

- Local newspapers
- Publications described in the Affirmative Fair Housing Marketing Plan (AFHMP)
- Flyers distributed through Social Service agencies described in the AFHMP

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

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

VERIFICATION

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

INFORMATION TO BE VERIFIED

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

- **Eligibility for Admission, such as**
 - Income
 - Assets And Asset Income
 - Identification
 - Age
 - Household Composition
 - Social Security Numbers
 - Citizenship And/or Legal Status
 - Student Status
 - Current HUD Assistance
- **Allowances, such as**
 - Age
 - Disability
 - Full Time Student Status
 - Child Care Expenses
 - Disability Assistance Expenses
 - Medical Expenses (For Elderly/Disabled Households Only)
- **Preferences**
 - Elderly / Non-Elderly status
 - Involuntarily Displaced status
 - Disability status
- **Compliance with Resident Screening Guidelines, such as**
 - Criminal History
 - Credit History
 - Rental/Residence History
- **The Need for an Accessible Unit**

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

CONSENT AND VERIFICATION FORMS

Regardless of age, the Head-of-Household (HOH), the co-Head-of-Household (HOH) the spouse of the Head-of-Household (HOH) and all adult members of a household must sign HUD's consent forms so that the owner/agent can verify eligibility. When a minor living in the unit turns 18, he/she will have thirty (30) days to meet with the management staff and sign appropriate forms. Failure to do so will result in termination of subsidy for the entire household.

PROVISIONS FOR REFUSAL TO SIGN

If any member of the applicant's household does not sign and submit the consent forms as required, the owner/agent must reject the application and deny assistance and/or tenancy.

MISREPRESENTATION

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

The owner/agent considers false information about the following to be grounds for rejecting an applicant:

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

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

APPLICANT SCREENING CRITERIA

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

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

Note: The Owner / Agent followed HUD guidelines for the Rental Assistance Demonstration (RAD) requiring owners to not re-screen families at the time of conversion. Therefore, families living at the property at the time

of conversion from Public Housing to PBRA and LIHTC were not re-screened. However, they were screened for these criteria at the time of their original move in to the Public Housing program.

SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

HUD has established standards that prohibit admission of:

- Any household in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity
- Any household in which any member was engaged in the production of methamphetamine.
- *A household in which any member is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents
- Any household member who is subject to any state lifetime sex offender registration requirement
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse

*NOTE** "Currently engaged in" is defined as any use of illegal drugs during the previous six months.

In addition to HUD requirements, the owner/agent has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document. The owner/agent will reject applications if any household member's criminal history includes one or more of the following:

- Sex Offender Registration: Applicant, or any member of the applicant family, is or ever has been subject to registration under a state sex offender registration program
- Record of any conviction or adjudication, other than acquittal, of the following felonies by any household member, regardless of when it happened:
 - Capital Murder
 - Murder / Manslaughter
 - Arson
 - Kidnapping
 - Child Molestation
 - Treason
 - Rape or Crimes of a Sexual Nature
 - Incest
 - Crimes involving explosives
 - Crimes involving terrorism
 - Gross Lewdness
- If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past four years, the family will be denied admission:
 - Drug-related criminal activity, defined by HUD as 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.
 - Violent criminal activity, defined by HUD as any 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.
 - Criminal activity that may threaten the health, safety or welfare of other tenants.
 - Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon.
 - Assault, aggravated assault, assault by threat, stalking.

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- Physical violence to persons or property, or criminal activity that has as one of its elements the use, attempted use or threatened use of physical force against the person or property of another.
- Criminal activity that may threaten the health or safety of HACA staff, contractors, subcontractors or agents.
- Three or more incidences or convictions of alcohol-related criminal activity, including Driving under the Influence and Public Intoxication.
- Burglary of a Habitation.
- If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three years, the family will be denied admission:
 - A pattern of abuse of alcohol, including, but not limited to, public intoxication and driving while intoxicated.
 - A pattern of fraud committed against a governmental entity.
 - A pattern of theft or fraud.
 - A pattern of organized criminal activity.
 - A pattern of prostitution.

A pattern (for the purposes listed above) consists of three or more incidences, with a minimum of one incident occurring within the past three years. The owner/agent will not use arrest records as the sole basis for denying admission to the program.

The owner/agent will not deny an application solely on the basis of an arrest. If the owner/agent receives arrest information which may be for a disqualifying activity, the owner/agent may request additional information. Additional information that may be considered, if available, include the following:

- The police report associated with the arrest which provides the reported circumstances of the arrest.
- Any statements made by witnesses or the applicant, not included in the report.
- Whether criminal charges were filed.
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal.
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity.

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

If a resident or applicant has requested VAWA protections and such protections have been justified based on owner/agent investigation, the abuser/perpetrator will not be approved to live on the property.

If the owner/agent is unable to complete required criminal or sexual offender screening, the application will be rejected. If the owner/agent determines that a sex offender is part of the household, the owner/agent will allow the household to remove the sex offender from the application. Removal must be documented using the change of address receipt from the Texas Department of Sex Offender Registration.

The household will have five (5) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members.

The owner/agent reserves the right to monitor household composition after move-in. The owner/agent will conduct quarterly reviews matching residents against the registered sex offender database. If the owner/agent discovers that a sex offender has moved in to the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. All applicants will be required to provide proof of citizenship or legal immigration status.

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

- Consideration of Extenuating Circumstances

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

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

- Criminal Screening Discoveries

If the criminal background investigation indicates that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection. Before rejecting the household, the owner/agent will compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

- Notify the household of the proposed action based on the information;
- Provide a copy of the criminal history report;
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- Allow the household the opportunity to remove the household member.

In this situation, applicants will have seven (7) business days to resolve the discrepancy. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner/agent will reject the application and remove the household from the waiting list. The owner/agent will notify the applicant family of the rejection in writing. The family will have the opportunity to request an appeal of the denial according to the terms of the grievance policy within this tenant selection plan.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility

determination, the owner/agent will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

SCREENING FOR CREDIT HISTORY

The owner/agent reviews each adult applicant's credit history. The owner/agent does not consider medical bills/expenses, credit score, or the lack of credit history when reviewing credit history.

Credit history will be reviewed to determine the following:

- If there is any debt owed to a prior landlord or HUD'
- If there are any evictions that have not been reported;
- If there are any other housing related judgments against the applicant.

Applicants will be rejected in the following situations:

- The family owes a debt to a federally assisted housing program which has not been repaid and the family has not established a repayment agreement.
- The family has a pattern of debts owed to housing and residential programs within the past two (2) years.

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

SCREENING FOR ABILITY TO ESTABLISH UTILITY SERVICE

The owner/agent will also screen applicant households for the ability to establish utility services in the name of at least one adult family member. All adult applicants will be required to sign the consent for Release of Information from Austin Energy. Applicant households which do not have any adult members able to establish service with Austin Energy will be given 7 days to resolve the issue with Austin Energy. If the household is unable to do so, the application will be rejected.

SCREENING FOR RENTAL HISTORY

If any member of the applicant household has been evicted from any property owned or managed by the Housing Authority of the City of Austin for lease violations within the last two years, that applicant household will be rejected.

The owner/agent will review rental history with any landlord indicated in the past two (2) years. The owner/agent will also review information provided through automated databases including eviction databases. The application will be rejected for any of the following:

- The family has been evicted from federally assisted housing within the past 2 years;
- The family has a pattern of disturbance of neighbors, destruction of property or living or housekeeping habits at prior residences within the past two years which may adversely affect the health, safety or welfare of other tenants.
- The family has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).

If the applicant fails to identify one or more residences where he/she lived in the last two (2) years, the applicant will be rejected and the household will be removed from the waiting list. An applicant who has been homeless can meet the requirement to identify their residence by self-certifying to their homeless status.

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The owner/agent will contact the prior property owner/agent (as indicated above) and inquire about the following information:

- Adherence to the Lease & Community Policies
- Compliance with certification reporting requirements
- Rental Payment Performance
- Compliance with requirements to fully and accurately disclose income information in a timely manner
- Requirement to Return Assistance Paid in Error due to under-reporting income or un-reported income
- Unit Maintenance/Damage
- Record of Disturbing Neighbors
- Complaints

If information obtained is negative the applicant will be rejected. Negative responses include but are not limited to:

- A pattern of failure to comply with the lease
- A pattern of failure to comply with House Rules, Pet Rules or Assistance Animal Rules
- Failure to fully and accurately report income, new employment or changes in household composition in a timely manner
- Providing false information
- Attempting to receive or receiving HUD assistance in multiple units/homes
- Slow or no response to requests to recertify
- Poor rental payment history (average more than two (2) late payments per year, record of bounced checks, any outstanding balance)
- A pattern of poor unit maintenance or damage to the unit beyond normal wear-and-tear
- Complaints from neighbors regarding actions that directly affect the peace and quiet comfort of others living in the community
- Record of actions that interfered with or prevented the previous landlord from effectively managing the property.
- A pattern of outstanding balances owed by any household member to a prior landlord

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

SCREENING FOR RECEIPT OF HUD ASSISTANCE IN ANOTHER UNIT (PBRA ONLY)

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

The owner/agent will use the **Existing Tenant Report** provided via HUD’s Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD housing assistance. This applies to all household members and to new members of an existing household, including minors, foster children/adults, and live-in aides.

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

- Minor children where two assisted families share custody
- Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit (*Split household/Swap household*)

If the owner/agent/agent discovers a discrepancy between the information on the application and the information provided by EIV, the applicant will be notified and will have **5 business days** to respond to the inquiry. If an applicant fails to fully and accurately disclose receipt of HUD assistance or rental history, the application will be rejected and the applicant and all members of the applicant household will be removed from the waiting list.

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

REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS

The owner/agent reserves the right to reject applicants for admission based on any of the following:

- Any member of the household fails to respond to management inquiries for additional information during the application process
- The owner/agent is unable to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property managed by the owner/agent or HACA
- Any member of the household has a pattern of eviction, for lease violations, from any property within the last two years
- There is a pattern of outstanding or overdue payments to a previous landlord
- There is record of outstanding or overdue payments to HUD
- The household is unable to establish utilities in the new unit
- The household is unable to pay the security deposit required
- The household is unable to take possession of the unit within the timeframes outlined in this plan
- The household is unable to pay the first month's rent (TTP)
- The household does not have a need for an accessible unit and refuses one unit offer

REJECTION NOTICES

The owner/agent will promptly notify the household (Head-of-Household (HOH)), in writing, of the denial of admission or assistance. A rejection letter will be sent to the Head-of-Household via First Class Mail. The rejection letter will include the reason(s) for the rejection.

APPEALING THE DECISION TO REJECT

Any applicant may make a request to appeal the denial in writing within **fifteen (15) calendar days from the date of the rejection**. The owner/agent will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the Admissions Department in HACA's central office building. If there is no appeal request **within fifteen (15) days**, the rejection will be considered final. Reasons to appeal include:

- The applicant believes the decision has been made in error

- The applicant believes there are extenuating circumstances that should be considered
- The applicant or a member of the applicant's household is a victim of abuse covered by the Violence Against Women Act and the applicant feels the applicant's status as a victim contributes to the decision to deny
- The applicant or a member of the applicant's household is a person with a disability, and the applicant believes a reasonable accommodation would allow the owner/agent to continue processing the application
- The applicant's household was rejected because the application includes someone who is a registered sex offender and the applicant wishes to remove that household member

Any staff person engaged in the initial review will not be involved in the appeal. HACA's designated hearing officer will conduct the informal review.

Applicants may bring a representative to assist in the appeal meeting. Applicants and/or their representatives have the right to request a reasonable accommodation to:

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

The hearing officer will provide written notification of a final decision within ten (10) business days of the informal review.

For complete details about the appeals process, see the Grievance and Appeals Policy. This policy is available upon request.

INFORMAL HEARINGS FOR PBRA APPLICANTS

Through PIH Notice 2012-32 Rev. 2, HUD provided guidance that the grievance procedures afforded to families living in Conventional Public Housing before conversion through RAD to Project Based Rental Assistance (PBRA) must be continued after the conversion. Below is the full account of all grievance procedures for applicants to the PBRA property.

When the owner/agent makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the owner/agent's policies necessary to respond to applicant appeals through the informal hearing process.

INFORMAL HEARING PROCESS [24 CFR 960.208(A) AND PH Occ GB, P. 58]

Informal hearings are provided for PBRA applicants. An applicant is someone who has applied for admission to the PBRA program, but is not yet a resident in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to PBRA are not entitled to the same hearing process afforded residents in the owner/agent grievance procedure [24 CFR 966.53(a) and PH Occ GB, p. 58].

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

- Use of Informal Hearing Process

The owner/agent will only offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission.

- Notice of Denial

The owner/agent will give an applicant prompt notice of a decision denying eligibility for admission. The notice will contain a brief statement of the reasons for the owner/agent's decision, and will also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing. Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial.

- Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered to the owner/agent either in person, by fax, by email or by first class mail, by the close of the business day, no later than 15 calendar days from the date of owner/agent's notification of denial of admission. Owner/agent will send written notice of the informal hearing within 30 business days of the family's request. Owner/agent will make every effort to hold the hearing within 45 calendar days of receiving the request for the hearing.

- Conducting an Informal Hearing [PH Occ GB, p. 58]

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

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

The Hearing Officer will render a decision on whether admission should be granted or denied.

- Informal Hearing Decision [PH Occ GB, p. 58]

The owner/agent will notify the applicant of owner/agent's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the owner/agent will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice.
- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in the owner/agent's policy, then the decision to deny assistance will be overturned. See the Tenant Selection Plan for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. The owner/agent will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the owner/agent will uphold the decision to deny admission.
- If the facts prove the grounds for denial, the Hearing Officer will make the final decision to deny admissions.

The owner/agent will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 15 calendar days of the informal hearing to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume. The owner/agent will make every effort to resume the screening process for reinstated applicants within 20 calendar days of the hearing decision.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

The applicant may request that the Hearing Officer consider a request for Reasonable Accommodations under the Fair Housing Act and Section 504 with respect to past conduct (see below).

If the basis for the denial relates to family violence, the applicant may qualify for an exception under the Violence Against Women Amendments.

The Notice of Denial letter will include information for the resident regarding who to contact for legal representation.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the owner/agent must consider such accommodations. The owner/agent must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See the Reasonable Accommodation Policy for more detail pertaining to reasonable accommodation requests.

HEARING AND APPEAL PROVISIONS FOR NON-CITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the owner/agent's hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the owner/agent's informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

- Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]
The notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:
 - That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
 - The family may be eligible for proration of assistance.
 - In the case of a resident, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].

- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
 - That the family has a right to request an informal hearing with the owner/agent either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
 - For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.
- **United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]**
When the owner/agent receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the following process will be observed:
 - The owner/agent will notify the family of the results of the USCIS verification within 10 calendar days of receiving the results.
 - The family will have 30 days from the date of the owner/agent's notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS.
 - The family must provide the owner/agent with a copy of the written request for appeal and proof of mailing within 10 calendar days of sending the request to USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the owner/agent, of its decision. When the USCIS notifies the owner/agent of the decision, the owner/agent must notify the family of its right to request an informal hearing.

The owner/agent will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

- **Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]**
After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the owner/agent provide a hearing. The request for a hearing must be made either within 30 days of receipt of the owner/agent's notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

- ***Informal Hearing Officer***
The owner/agent must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

- **Evidence**

At a reasonable time in advance of the hearing, the family will be provided the opportunity to examine and copy any documents in the possession of the owner/agent pertaining to the family's eligibility status or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The family must also be provided the opportunity to refute evidence relied upon by the owner/agent, and to confront and cross-examine all witnesses on whose testimony or information the owner/agent relies.

- **Representation and Interpretive Services**

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the owner/agent, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, the owner/agent is still obligated to provide oral translation services in accordance with its LEP Plan.

- **Recording of the Hearing**

The family is entitled to have the hearing recorded by audiotape. The owner/agent will not provide a transcript of an audio taped informal hearing.

- **Hearing Decision**

The owner/agent must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 10 business days of the date of the informal hearing. The notice must state the basis for the decision.

- **Retention of Documents [24 CFR 5.514(h)]**

The owner/agent must retain for a minimum of 5 years the following documents that may have been submitted to the owner/agent by the family, or provided to the owner/agent as part of the USCIS appeal or the owner/agent's informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

OFFERING AN APARTMENT

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

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- In writing, using the mailing address provided by the applicant family.
- Over the phone, using the contact phone number(s) provided by the applicant family.
- By email, using the contact email address(es) provided by the applicant family.

If the owner/agent is unable to contact the household within five (5) business days from the date of the letter, the offer will be cancelled and the apartment will be offered to the next applicant based on the selection criteria described in this plan.

Failure to respond to the owner/agent will be considered a refusal of the unit offer. (See Right to Refusal policies.) It is the applicant family's responsibility to keep all contact information current with the Admissions Department.

OFFERING ACCESSIBLE UNITS

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

Units with communication accessible features will be offered to households with a verified need for communication accessible units first

Units with mobility accessible features will be offered to households with a verified need for mobility accessible units first

After move-in, if the members of the household who required the special features of the accessible unit no longer reside in the unit, and where the lease permits, the owner/agent will require the remaining members of the household to move to a unit without accessibility features when such a unit of the appropriate size becomes available.

If there is no household on the waiting list that has requested an accessible unit, the unit will then be offered to the next household based on the selection order. Before the applicant can accept that accessible unit, all adult members of the applicant household must sign an agreement that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan. The resident household will not be required to move if:

- No unit that meets the household's occupancy requirements is available
- There is no applicant household on the waiting list requesting an accessible unit

In either of the cases above, the household must take possession of the unit within the timeframes outlined in this plan. If the applicant fails to move in within the established timeframes, assistance will be terminated. This rule in no way affects the single residence criteria. The household can only accept assistance in one unit on any given day.

OFFERING UNITS TO APPLICANTS WITH DISABILITIES REQUESTING ACCESSIBILITY FEATURES

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

The household will be given the opportunity to benefit from the program and decide, in compliance with the Fair Housing Act and Section 504, whether a unit meets the needs of the disabled household member. The household may accept the unit and request some modification to the unit as a reasonable accommodation. See the owner/agent's Reasonable Accommodation Policy for information about requesting a reasonable modification. The policy is available upon request.

OFFERING UNITS TO APPLICANTS OR RESIDENTS WITH PREFERENCES

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

APPLICANT/RESIDENT SELECTION ORDER

Accessible Apartments will be offered in the following order:

- *The next household on the transfer list who is requesting an accessible unit. Offers will be made in order according to the weighted transfer list preferences:
 - Emergency / Safety (with need for an accessible unit)
 - Reasonable Accommodation (with need for an accessible unit)
 - Over Housed (with need for an accessible unit)
 - Under Housed (with need for an accessible unit)
- The next applicant on the waiting list who is requesting an accessible unit. Offers will be made in order according to the weighted waiting list preferences:
 - Elderly / Non-Elderly preference (with need for an accessible unit)
 - Involuntarily Displaced preference (with need for an accessible unit)
 - Disability preference (with need for an accessible unit)
- *When there is no one in need of the accessibility features for this unit, the offer will be given to the next household on the transfer list. Offers will be made in order according to the weighted transfer list preferences:
 - Emergency / Safety
 - Reasonable Accommodation
 - Over Housed
 - Under Housed
- When there is no one in need of the accessibility features of this unit, the offer will be given to the next applicant on the waiting list. Offers will be made in order according to the weighted waiting list preferences:
 - Elderly / Non-Elderly
 - Involuntarily Displaced
 - Disability

****Note: If the next family on the transfer list is currently over 140% of the LIHTC income limit for their family size, a transfer will only be offered to another unit in the same building, in accord with the***

LIHTC “Next Available Unit” rule. The definition of “building” for this property is outlined on IRS Form 8806. In this case, if the family cannot move to another building, the offer will be made to the next family on the transfer list.

Standard Apartments will be offered in the following order:

- *The next household on the transfer list, regardless of need for an accessible unit. Offers will be made in order according to the weighted transfer list preferences:
 - Emergency / Safety
 - Reasonable Accommodation
 - Over Housed
 - Under Housed
 - Resident has no need for accessible feature in current unit
- The next applicant on the waiting list, regardless of need for an accessible unit. Offers will be made in order according to the weighted waiting list preferences:
 - Elderly / Near Elderly
 - Involuntarily Displaced
 - Disability

***Note: If the next family on the transfer list is currently over 140% of the LIHTC income limit for their family size, a transfer will only be offered to another unit in the same building, in accord with the LIHTC “Next Available Unit” rule. The definition of “building” for this property is outlined on IRS Form 8806. In this case, if the family cannot move to another building, the offer will be made to the next family on the transfer list.**

RIGHT TO REFUSAL

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

Each household will be offered the opportunity to accept an offered apartment one (1) time. If a resident/applicant does not wish to accept an offered apartment, they have the right to refuse the offer.

Residents/applicants must notify the owner/agent of their intent to refuse the unit offer by using one or more of the following methods:

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

Note: If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate.

When an applicant or resident refuses a unit, the unit will be offered to the next qualified household based on the selection order described above. When a resident refuses a transfer offer, the terms of the lease require that the assistance be terminated and the resident be required to pay the full contract rent.

When an applicant refuses an offered unit, the household will be removed from the waiting list and will have to wait one calendar year before applying for the same bedroom size again. However, if the family composition changes, the family can submit an application at an earlier date.

Right to refusal policies will be modified in three cases:

- If a disabled applicant or resident is at the top of the waiting list, they will be offered units as they become available regardless of whether they include accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet specific accessibility requirements. Note: *Certain restrictions apply to non-elderly disabled households when HUD's program eligibility requires the need for an accessible unit.*
- If an applicant or resident household with no disabled members is at the top of the waiting list, and there are no disabled households on the waiting list, that household may be offered an accessible unit. An applicant household with no disabled household members has the right to refuse an unlimited number of accessible units or units that do not meet their needs.
- Any applicant may reject an available unit on a property set aside for the elderly and/or disabled if this unit is close to another unit with an animal. For this purpose, "close" means an adjacent unit or one directly across the hall. This action will not negatively affect the household's application for occupancy or position on the waiting list to be eligible for the next available unit. The owner/agent is not obligated at the time the applicant rejects a unit to provide an alternate unit.

TIMEFRAME FOR TAKING POSSESSION OF A UNIT

When the first housing offer is made for a unit, the applicant family must meet the following timeframes for taking possession of the offered unit:

- Within 2 business days from the date the offer is received, the applicant family must make contact with the property management staff. At that time, the property management staff will notify the family of the anticipated date that the unit will be available to be viewed.
- Once the unit is ready to view, the property management will schedule an appointment to view the unit. Failure to attend the scheduled appointment is considered a rejection of the housing offer.
- Within 3 calendar days of viewing the unit, the applicant family must accept or reject the unit. No response by close of business on the third day is considered a rejection of the housing offer.
- Within 2 calendar days of accepting an offer, the applicant family must pay the security deposit and the prorated first month's rent. At that time, the family will receive the keys and are considered to have taken possession of the unit. Failure to take possession of the unit by close of business on the second day is considered a rejection of the unit.

If the applicant household does not complete appropriate paperwork and does not take possession of the unit within the timeframes outlined above, the applicant will be subsequently rejected and removed from the waiting list. Extenuating circumstances will be considered, including the following:

- The family is dealing with a documented medical or other family emergency. In this case the owner/agent and family will negotiate an appropriate solution which may include offering the family the next unit.
- The family is required to give 30 days' notice to their current landlord which is part of another federally assisted housing program.

When the family rejects the unit or does not meet the outlined timeframes, the owner/agent reserves the right to refuse subsequent applications. The unit will be offered to the next eligible applicant/resident based on the selection order described in this plan.

UNIT TRANSFER POLICIES

The owner/agent will accept requests for transfer in the following situations:

- ***Emergency / Safety:*** The household needs to move due to a life-threatening situation. Life-threatening situations include the following:
 -
 - Due to no fault of the resident(s), the unit is uninhabitable and cannot be made habitable in a reasonable amount of time;
 - A household member has experienced a medical condition which makes the current unit uninhabitable or unsafe;
 - A household member is in danger of retaliation;
 - A household member is a victim of domestic violence and qualifies for VAWA protections.
- ***Reasonable Accommodation:*** A family member has a verified need for an accessible unit.
- ***Over Housed:*** The household is in a unit that is larger than they qualify for according to the owner/agent's subsidy standards.
- ***Under Housed:*** The household is in a unit that is smaller than they qualify for according to the owner/agent's subsidy standards or the family has had a qualifying event (see occupancy standards for the list of qualifying events) and requests a bedroom size for which they are eligible.
- ***Unneeded Accessibility Feature:*** The family does not require or no longer needs the accessibility features of a unit in which they are living. However, another family does need that accessibility feature.

Unit transfer requests that do not fall into one of these categories will not be approved. Families requesting to move for any other reason will be provided with information on how to apply for housing assistance at the other properties managed or owned and operated by the Housing Authority of the City of Austin.

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

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

- A verified medical need for a different unit
- A verified need for an accessible unit
- There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living to accommodate a disabled resident/applicant on the waiting list.

- A change in household size that makes the current unit too large or too small for the family based on the owner/agent's occupancy standards

With the exception of Emergencies and Reasonable Accommodations, unit transfers will be granted only if:

- The household has not given notice to move
- The resident is not being evicted
- The resident is current for all outstanding charges
- The resident complies with lease provisions regarding decent safe and sanitary conditions of current unit

A household living in an apartment too large for its needs will not be required to move if there are no applicants waiting for the bedroom size to be vacated by the transfer. An appropriate sized unit will be available before the resident household is required to move. At that time, the household will have thirty (30) days to complete the transfer.

A household whose annual gross income is over 140% of the LIHTC income limit for their household size will only be allowed to transfer to another unit within their same building (as defined by *BIN – Building Identification Number* – on IRS Form 8609).

SECURITY DEPOSITS, PET DEPOSITS & UNIT TRANSFERS

When a resident transfers to a new unit with all other household members as a result of an owner/agent required move due to rehabilitation of the unit, the owner/agent will not charge a new security deposit. The security deposit from the original unit will be transferred to the new unit.

When a resident transfers to a new unit with all other household members for any other reason, the owner/agent will charge a new security deposit and refund the security deposit for the old unit less any outstanding amounts for rent, fees or damages. If the move out expenses exceed the security deposit, the family will receive an itemized bill which must be paid within 30 days of receipt of the bill.

When a resident owns a pet, the original unit will be assessed for damages caused by the pet. The pet deposit will be reduced by charges for those damages and the resident will be required to obtain a pet deposit balance of \$100.00 for the new unit. The resident will be allowed to pay the new pet deposit balance due in \$10.00 monthly payments until the \$100.00 pet deposit balance is reached.

CHANGES IN HOUSEHOLD COMPOSITION

ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY

The owner/agent must approve any new adult household member before he/she moves in to the unit. Eligibility criteria, screening criteria and compliance with occupancy standards will be reviewed before the new household member is approved or denied. The request to add a new household member will not be considered if the resident has provided notice to vacate the unit. This helps prevent applicants from “jumping” ahead on the waiting list.

Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the resident selection plan in place at the time of the eligibility determination.

This policy applies to live-in aides as well. Screening criteria will also be applied to live-in aides, **except for the criterion regarding credit performance or the ability to pay rent on time** because live-in aides are not responsible for rental payments. However, live in aides must meet other screening criteria established by the owner/agent. Income and/or allowances received by live-in aides will not be considered.

Information about new household members who are minors must be provided to the owner/agent as quickly as possible but within no more than thirty (30) calendar days. If the new household member is under the age of six, special consideration regarding Social Security Number disclosure and verification of Social Security Numbers is given. The household will be given ninety (90) calendar days to provide the Social Security Number and adequate documentation to verify the Social Security Number provided. In some cases, an additional ninety (90) days may be provided.

If the household fails to provide the required Social Security Number information within the allotted timeframe, the household's tenancy will be terminated (eviction) in accordance with HUD requirements.

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

REMOVING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY

Residents must notify the owner/agent if any household member listed on the lease or on HUD Form 50059 or on LIHTC Form TIC (Tenant Income Certification) leaves the unit. This notification must occur as quickly as possible but within no more than thirty (30) calendar days.

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

SECURITY DEPOSIT REQUIREMENTS

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

If the move-in certification requires correction, and the TTP is recalculated, the security deposit requirement will be recalculated as well and any variance in the amount originally collected will be collected from / returned to the tenant. Otherwise, the amount of the security deposit established at move-in does not change when a resident's rent changes.

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

APARTMENT INSPECTIONS

All apartments must undergo periodic inspection conducted by the on-site management team, HUD or HUD's representatives/agents. These inspections include not only interior but also exterior inspections. Residents have the right to be present, and are, in fact encouraged, to be present during unit inspection.

The move-in inspection is an opportunity to familiarize the new resident with the property and the unit, as well as to document its current condition. By performing move-in inspections, the owner/agent and residents are assured that the unit is in livable condition and is free of damages. A move-in inspection gives the owner/agent an opportunity to familiarize residents with the operation of appliances and equipment in the unit.

The move-out inspection is conducted when a household vacates a unit. The owner/agent will list the damages on the Unit Inspection Form and compare it with the Unit Inspection Form completed at move-in to determine if there is any damage or excessive wear-and-tear.

In addition, the owner/agent will perform unit inspections on at least an annual basis to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced.

This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs. At this time, residents may be charged for damages to the unit so long as those damages are not the result of normal wear-and-tear.

Housekeeping inspections will be conducted on a semi-annual (every 6 months) basis. Housekeeping inspections provide the owner/agent the opportunity to verify that the unit is being properly cared for and to verify the need for any repairs.

TDHCA and HUD, or their authorized contractor(s), have the right to inspect the units and the entire property to ensure that the property is being well maintained. These inspections assure HUD that owners and their agents are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that residents are provided with decent, safe, and sanitary housing.

CHANGES TO THE RESIDENT SELECTION PLAN

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

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

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

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

APPENDIX A – CITIZEN/NON-CITIZEN ELIGIBILITY

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

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

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

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

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

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

REQUIRED DOCUMENTATION

The owner/agent must obtain the following documentation for each household member regardless of age:

- ☐ From U.S. citizens, a signed declaration of citizenship. The owner/agent requires verification of the declaration. The following documents will be accepted as proof of citizenship
 - United States (U.S.) Passport
 - U.S. birth certificate
 - Other documentation as provided by HUD or DHS
- ☐ From non-citizens claiming eligible status who is 62 or older:
 - A signed declaration of eligible immigration status and
 - Proof of age
- ☐ From non-citizens claiming eligible status who is not 62 or older:
 - A signed declaration of eligible immigration status **and**
 - A signed consent form **and**
 - One of the DHS-approved documents
 - Form I-551, *Permanent Resident Card*.
 - Form 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 I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
 - A final court decision granting asylum (but only if no appeal is taken);
 - A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application filed was before October 1, 1990);
 - A court decision granting withholding of deportation; or
 - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant's entitlement to the document has been verified.
- Other acceptable evidence.

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

TIMEFRAMES FOR SUBMITTING EVIDENCE OF CITIZENSHIP/IMMIGRATION STATUS TO THE OWNER/AGENT

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

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

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

REVIEWING AND VERIFICATION OF A HOUSEHOLD'S CITIZENSHIP/IMMIGRATION STATUS

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

The system will display one of the following messages for immigration status confirmation on the screen.

- Lawful Permanent Resident
- Temporary Resident
- Conditional Resident
- Asylee
- Refugee

- Cuban\Haitian Entrant
- Conditional Entrant

Secondary verification. If the message “institute secondary verification” is displayed on the screen, the manual verification process must be used.

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

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

NOTIFICATION TO APPLICANTS

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

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

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

MIXED HOUSEHOLDS

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

- Prorated assistance
- Continued assistance

APPEALING DETERMINATIONS OF INELIGIBILITY

The owner/agent will notify the household in writing as soon as possible if the secondary verification process returns a negative result. The applicant or resident has thirty (30) days from receipt of the notice to choose which option to follow.

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

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

PROHIBITION AGAINST DELAY OF ASSISTANCE

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

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

APPENDIX B – VAWA POLICY

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking. The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault and/or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act Reauthorization of 2013.

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

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

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

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

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

CONFIDENTIALITY

The identity of the victim and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

- Requested or consented to by the victim in writing;
- Required for use in an eviction proceeding or termination of assistance; or
- Otherwise required by applicable law.

The certification form provides notice to the resident of the confidentiality of the form and the limits thereof. The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files. If the documentation is stored electronically, the owner/agent will keep this information in an electronic file that is separate from the applicant or resident file with secured access only to authorized individuals.

REQUESTS & CERTIFICATION

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

If necessary, the victim may request additional time to submit the certification. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.

The victim is not required to name his/her abuser if doing so would result in imminent threat or if the victim does not know the name of his/her abuser.

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

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

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

If the applicant is currently living in a shelter established to protect victims of violence covered under the VAWA, the owner/agent will accept verification of such living arrangement in lieu of additional verification.

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, the owner/agent will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The applicant/resident is required to provide all necessary documentation to the owner/agent no more than ten (10) business days after submitting the certification to the owner/agent. If the victim is unable to provide required documentation within the required timeframe, the owner/agent will deny the request.

The owner/agent will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the victim and the owner/agent. Responses include:

- Approval of the Request
- Denial of the Request

- Request for additional information

LEASE BIFURCATION

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

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

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

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.

CRIMINAL ACTS

Victims are encouraged to seek police/legal protection from their abuser. In some cases, the owner/agent may file a restraining order against the abuser to prevent the abuser from entering the property. If there is a restraining order against the abuser and the resident willingly allows or invites the abuser onto the premises, the owner/agent may seek termination of assistance and/or tenancy.

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

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

LEASE ADDENDUM

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