

TENANT SELECTION CRITERIA ADMISSIONS & OCCUPANCY REQUIREMENTS

**HERITAGE TOWERS
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Implementation of HUD Handbook 4350.3

REV-1 – June 12, 2003

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REV-1 CHG-2 – June 29, 2007

REV-1 CHG-3 – June 23, 2009

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**Updated May 2007 to include Violence Against Women Act and Justice Department
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Updated November 2007 for update of Apartment Transfer Policy

**Updated March 2009 for Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs,
Final Rule January 27, 2009, (EIV), Limited English Plan and updated Apartment Transfer Policy.**

Updated August 2009 for language changes in Rejections.

**Updated October 2009 to correct spelling errors, language clarification, new date for mandatory EIV use and additional rejection
examples.**

**Updated 03/2010 for changes in Refinement of Income and Rent Determination Requirements in Public and Assisted Housing
Programs, Final Rule January 27, 2009 that became effective 1/31/2010**

Updated July 2010 for compliance to HUD Notice H 2010-10 on EIV issued July 1, 2010.

Updated January 2011 to clean up language on EIV use.

Updated November 2011 for HUD Notice H 2011 - 21

Updated February 2012 for “Equal Access

**to Housing in HUD Programs—Regardless of Sexual Orientation or
Gender Identity”**

**Updated July 19, 2012 for rejections – added convictions not classed as felony and DWUI convictions and for
Housing Notice H 2012-11 requirements**

Updated May 1, 2013 for procedures on rejected applications/certifications VAWA Reauthorization

Updated February 2014 for Change -4

Updated March 2014 for corrections for Change -4

Rejection Clarification 5/2015

Updated November 2016 for H 2015-10, H 2016-09 and 24 CFR 5.607

Updated January 2017 - Student Rule Changes (FR-5969-N-01

VAWA 2013 – Final Rule

**HERITAGE TOWERS
Tenant Selection Criteria
Admission & Occupancy Policies**

Updated 11/22/2016

Section 202/8 Properties

INTRODUCTION:

Heritage Towers of the Christian Church (Disciples of Christ), Inc. is a non-profit Wyoming corporation. It owns and operates **HERITAGE TOWERS**, a government financed and subsidized housing project which provides decent, safe, sanitary, and affordable housing. *HERITAGE TOWERS* is subject to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendment Act of 1988, Section 504 of the Rehabilitation Act of 1973 as amended. The purpose of this project is to provide housing for *low, very low and extremely low* income eligible elderly individuals and families and mobility impaired households through the Department of Housing and Urban Development's Section 202/8 Program covering 75 units. Individuals and families will qualify providing their income does not exceed the limits as governed by HUD and they meet all other applicable standards. Residency is open to *all* qualified eligible persons who will be admitted in accordance with the HUD-approved Affirmative Fair Housing & Marketing Plan (HUD Form 935.2). *HERITAGE TOWERS* accepts applicants, admits residents, and employs staff without regard to race, color, religion, creed, national origin, sex, familial status, sexual orientation, gender identity, handicap, or age (except as an eligibility requirement). *HERITAGE TOWERS* does not directly provide health related services by medical professionals, non-professional health or assistance care, or personal service aides. However an individual can make arrangements for outside services in order to meet the requirements of the lease.

PURPOSE OF THE TENANT SELECTION CRITERIA, ADMISSIONS & OCCUPANCY PROCEDURES:

HERITAGE TOWERS Tenant Selection Criteria – Admissions and Occupancy Procedures describe application procedures, screening of tenants, equal opportunity requirements and nondiscrimination requirements, occupancy standards, when the applicant can be rejected, and selecting between current tenants and applicants on the waiting list who need Section 8 housing assistance.

The Tenant Selection Criteria – Admissions and Occupancy Procedures are designed to protect the owner, the tenants, and the applicant. The owner is protected against charges of illegal discrimination, arbitrariness, and partiality. The tenants are protected against the admission of someone who will not

respect their rights. The applicant is protected against illegal discrimination and favoritism. The policies of tenant selection – admissions and occupancy are consistently and fairly applied, and all applicants are accepted or rejected by the same selection criteria.

Tenant selection criteria, Admissions and Occupancy Procedures are established at the project level, not by law or regulations, but are subject to applicable laws and regulations. The Tenant Selection Criteria Admissions & Occupancy Procedures are not so restrictive that they place undue hardship on individual applicants or frustrate the purpose of federal assistance, or violate equal opportunity law.

If changes are made to the TENANT SELECTION CRITERIA ADMISSIONS & OCCUPANCY REQUIREMENTS effect applicants already on the waiting list as to PROJECT eligibility and/or requirements the applicant will be notified by letter mailed to the mailing address provided on the application.

PROJECT ELIGIBILITY REQUIREMENTS

HERITAGE TOWERS is a Section 202/8 project for elderly and persons with mobility impairment. It began and has historically operated as a project for elderly persons over 62 years of age and persons who are mobility impaired. Preference is given to elderly persons or elderly families as follows: (1) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older; (2) The surviving member or members of a family described in paragraph (1) living in a unit . . . with the now deceased member of the family at the time of his or her death; (3) A single person who is 62 years of age or older; or (4) Two or more elderly persons living together or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being."

CITIZENSHIP OR ELIGIBLE NON-CITIZEN

By law, only U.S. citizens and eligible noncitizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible families receive subsidy. These requirements apply to families making application to the property, families on the waiting list, and tenants.

HERITAGE TOWERS may verify the citizenship declaration for all household members—even household members age 62 and older.

For U.S. citizens or U.S. nationals, the evidence consists of a signed declaration of U.S. citizenship or U.S. nationality. HERITAGE TOWERS may obtain verification of the declaration by requiring presentation of a U.S. passport, U.S. birth certificate or other appropriate documentation allowed by HUD.

For non-citizens, adequate evidence consists of a signed declaration of eligible immigration status and one of the Section 214 documents listed in 5.508(b) and referred to in 5.510. Examples of some of these

documents are Alien Registration Card, Employment Authorization Card, and Temporary Resident Card. Use of the Systematic Alien Verification for Entitlements system or SAVE system will be used to verify eligible non-citizen status.

HERTIAGE TOWERS is required to keep a copy of the signed citizenship declaration and appropriate document for verification of citizenship or eligible non-citizen status in the resident file.

At this time as rules state HERITAGE TOWERS may verify the citizenship declaration, we accept the citizenship declaration as signed as it carries a penalty of perjury if falsely signed. HERITAGE TOWERS encourages U.S. citizens who have a birth certificate or current passport to present the document at initial certification to be included in the resident file. HUD through rule changes at a future period of time could make verification of citizenship mandatory. HERITAGE TOWERS reserves the right to verify citizenship if there may be reasonable doubt of U.S. citizenship.

SOCIAL SECURITY NUMBERS

Social Security Numbers are required for all household members, U.S. Citizens and Eligible Non-Citizens. Applicants must provide proof of a Social Security number for all household members before they are allowed to take possession of a unit in the PROJECT. This can be done by presenting a valid Social Security Card issued by the Social Security Administration or other verification resources provided by HUD (HUD Handbook 4350.3 Revision 1, Appendix 3) Proof of Social Security number must accompany the application to determine program eligibility.

Housing Notice H-2016-09 issue October 3, 2016 now allows that for a child under age 6 and has not been issued a Social Security Number can be moved into the PROJECT or added to the household 6 months or less from the move in date. When an applicant household before mentioned composition is housed from the waiting list 90 days must be given from the move-in certification (taking possession of the apartment date) to provide documentation of the SSN for the child. An additional 90 day period must be granted if failure to provide documentation of a valid Social Security Number is due to circumstances that are outside the control of the household. Examples include but are not limited to: delayed processing of the SSN application by SSA, natural disaster, fire, death in the family, etc. During this time the child to be included in the household will receive all the benefits of the program in which the child is involved, including the dependent deduction if program applicable. An interim certification must be processed once the household disclosed and provides verification of the SSN for this individual.

The PROJECT is required to keep a copy of Social Security cards or other valid verification of Social Security Number in the resident file.

STUDENT ELIGIBILITY RULE

Eligibility of Students for Assisted Housing under Section 8 of the U.S. Housing Act of 1937. This Student Rule was effective January 30, 2006 which amended 24 CFR part 5, subpart F.

This Student Rule provides as follows and applies to both full time and part time students and applies to all project based Section 8 sites:

No assistance shall be provided under the Section 8 of the United States Housing Act of 1937 [42 U.S.C. 1437f] to any individual who:

- (1) Is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965[20 U.S.C. 1002]
- (2) Is under 24 years of age
- (3) Is not a veteran of the United States Military
- (4) Is unmarried
- (5) Does not have a dependant child
- (6) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible to receive assistance under Section 8 of the United States Housing Act of 1937 [42 U.S.C. 1437f]

For a student under 24 years of age to be eligible to receive Section 8 Assistance and live separate from parents under the above criteria:

Both the student and the parent's income must meet the HUD income requirements for Section 8 Housing or;

Be independent from his or her parents and meet HUD income requirements for Section 8 Housing.

(Heritage Towers HUD 202/8 program has additional requirements – which is for individuals under 62 they must also have a mobility impairment as defined by the HUD 4350.3 Handbook to be eligible to be admitted to Heritage Towers)

To be classified as an independent student the student must meet the following requirements:

Be of legal contract age under state law

Has established a household separate from his parents or legal guardians for at least one year before applying to Heritage Towers or

To be an independent student – an independent student is defined as one of the following:

- 1. Is at least 24 years old by December 31 of the year in which the student applies to get or keep Section 8 Assistance.**
- 2. Is married or**
- 3. Is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes or**

4. Has legal dependents other than a spouse (for example, children or an elderly parent) or
5. Is a person with disabilities who was receiving Section 8 assistance as of November 2005 or
6. Is a graduate or professional student or
7. Is an independent student or
8. Classified as a Vulnerable Youth
9. Is a student from who a financial aid administrator makes a documented determination of independence by reason of unusual circumstances or
10. Has parents who are income eligible for the Section 8 program

Independent Student defined as:

- a. The individual is 24 years of age or older by December 31 of the award year;
- b. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court any time when the individual was 13 years of age or older;
- c. The individual is, or was immediately prior to attaining the age of majority, an emaciated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence.

Vulnerable Youth - HUD's definition:

- a. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth(as such terms are defined in Section 725 of the McKinney-Vento Homeless agency Assistance Act), or as unaccompanied youth, at risk of homelessness and self-supporting, by
- b. A local educational agency homeless liaison, designated pursuant to the McKinney –Vento Homeless Assistance Act;
- c. The director of a program funded under subtitle B of title V of the McKinney-Vento Homeless Assistance Act or a designee of the director or
- d. A financial aid administrator.

To insure requirements are met, HERITAGE TOWERS will put into place proper verification procedures in accordance to the current HUD 4350.3 Handbook and other applicable Federal, State and Local Laws.

Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA) was reauthorized in 2013 by Congress and Signed into law by President Obama. HUD has issued its Final Rule on implementation of the 2013 VAWA which is effective December 16, 2016. The law even though called the Violence Against Women Act (VAWA) it covers all victims of *domestic violence, dating violence, sexual assault or stalking* regardless of sex, gender identity, or sexual orientation.

The 2013 VAWA now covers many Federal Housing Projects, Heritage Towers as HUD 202/Section 8 is one of the projects covered by the 2013 VAWA. This law provides that a victim of *domestic violence, dating violence, sexual assault or stalking* with several protections such as denial of housing and eviction as defined by the law. The housing provider is given several tools to deal with *domestic violence, dating violence, sexual assault or stalking* under the 2013 VAWA.

HUD (U.S. Department of Urban Development) has provided to PHA's and Agents and Owners of Public Housing and Section 8 housing an HUD form labeled HUD-55382 for the purpose of victims of *domestic violence, dating violence, sexual assault or stalking* to make certification that he or she is victim of *domestic violence, dating violence, sexual assault or stalking*. The purpose of the certification is to verify that the victim falls under the protection of the **Violence Against Women Act**.

Any information provided to a service provider, an owner or housing agency that an individual is a victim of *domestic violence, dating violence or stalking*, must be kept confidential. Information will be kept in separate files and stored in secure file cabinets.

To insure requirements are met, HERITAGE TOWERS will put into place proper verification procedures in accordance to the current HUD 4350.3 Handbook and other applicable Federal, State and Local Laws. All applicants at the time of the certification interview or rejection will be provided a copy of the latest HUD Document Notice of Occupancy Rights under the Violence Against Women Act. All residents will receive a copy at their annual re-certification. All lease termination and or eviction notices will have the Notice of Occupancy Rights under the Violence Against Women Act attached to them.

HERITAGE TOWERS will also develop an Emergency Transfer Plan as required by the 2013 VAWA and must be in place by June 14, 2017. New lease addendums will be issued by HUD and will be signed by all new residents and in place residents.

(Please note as of December 16, 2016 a new lease addendum has not been issued by HUD. As soon as the new Addendum is issued it will be used)

ENTERPRISE INCOME VERIFICATION (EIV)

On January 27, 2009 HUD issued its final rule for "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs". Part of this rule requires mandatory use of the Enterprise Income Verification (EIV) system. Effective January 31, 2010 the use of the EIV was mandatory for Assisted Housing Programs. HERITAGE TOWERS is in compliance with the final rule for "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs". On August 7, 2013 Change -4 to the HUD 4350.3 Handbook was issued incorporating Enterprise Income Verification (EIV) as Chapter 9 of the 4350.3 Handbook. HERITAGE TOWERS has EIV access and is using EIV in reexamination and recertification process as well as screening for applicants currently receiving HUD rental assistance in accordance with Chapter 9 of the 4350.3

Handbook Change -4. At the initial certification interview and all re-certification interviews the applicant/tenant will be provided the HUD brochure “EIV and You”.

At initial move in and at re-certifications all household members 18 years and older are required to sign a HUD 9887 and HUD 9887/A documents, Applicant’s and Tenant’s Consent to the Release of Information. The HUD 9887 gives HUD permission to income match or compare what you report in earnings with the Social Security Administration and employers through the proper government reporting agency. This is done through the Enterprise Income Verification (EIV) System. The EIV system provides information on Social Security earnings, employment earnings, Medicare premiums and status and Black Lung Payments. The EIV System also provides new hire reports, dual subsidy reports, deceased tenant reports, identity verification reports and income discrepancy reports. These reports are tools for the owner/agent to use for compliance to the HUD program they operate under and to look for possible fraud.

In addition, HUD provides the owner/agent with a housing applicant’s current status as a recipient of HUD housing rental assistance through the Existing Tenant Search Report. The owner /agent will use the EIV system to determine if the applicant or any member of the applicant household is receiving HUD assistance during the HUD Initial Certification Process. There is no rule that prohibits a HUD housing assistance recipient from applying to HERITAGE TOWERS. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance at HERITAGE TOWERS can begin.

If an applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant’s “misrepresentation” of information.

EIV information is only accessed through the HUD Secure System by authorized staff and is kept confidential and is used only for the purposes allowed by HUD Rules and Regulations. HERITAGE TOWERS has put into place policies and procedures for obtaining and storage of information obtained from the EIV system. If you have questions about the EIV system contact the HERITAGE TOWERS Project Administrator.

Limited English Proficiency

Executive Order 13166 – Improving Access to Services for Persons with limited English Proficiency (LEP) was signed August 11, 2000 by President Clinton. The Executive Order was to provide for improved access to federal conducted and federally assisted programs and activities for persons, who as a result of national origin are limited in their English proficiency.

As Heritage Towers participates in a 202/8 Housing and Urban Development (HUD) program and receives Federal Monies for our Section 8 Housing Assistant Payment (HAP) contract. The building its self is financed by a HUD insured loan. We are then subject to the Executive Order 13166. HUD’s Final Rule was issued January 22, 2007 and became effective February 21, 2007.

Heritage Towers is pledged to adhering to LEP as a participant in a Federally Funded Program by providing free language assistance in the application and certification/recertification process as needed in accordance with the Federal Law and Heritage Towers LEP Plan.

INCOME LIMITS

The purpose of this project is to provide housing for *low, very low and extremely low*** income eligible elderly and/or mobility impaired individuals and families through the Department of Housing and Urban Development's Section 202/8 Program covering 75 units. Individuals and families will qualify providing their income does not exceed the limits as governed by HUD and they meet all other applicable standards. The actual income limits change annually and will be available with the application and brochure information.

** extremely low income limits as defined by 24 CFR 5.603 and are posted on HUDUSER www.huduser.gov/portal/dataset/il.html

APPLICATION

The tenant selection process begins with the application. The application contains information sufficient to tentatively determine the family's eligibility, size of unit needed, household head, and if the applicant meets the tenant selection criteria, citizenship/immigration status and the background and resident history. Applications must be returned with a copy of a government issued picture ID and a copy of the applicant's social security card or other acceptable proof of a Social Security number issued to the applicant for determining program eligibility for the application to be complete. Heritage Tower is happy to make copies of needed application documents at no charge to the applicant.

APPLYING FOR HOUSING:

All persons/families interested in applying for housing at *HERITAGE TOWERS* must:

1. Pick up an application or request one be mailed. The form solicits sufficient information to assess eligibility.
2. Complete the entire application, date and sign it and return it to the project in person or by mail. The applicant must:
 - a. List all persons who will reside in the unit.

- b. For those program facilities required to verify citizenship/immigration status; Applicant and family members will be required to meet the requirements outlined in the Non-citizens section of this policy.
- c. Each household member must complete the “screening for criminal activity and/or drug/alcohol abuse” questionnaire. Each household member must list every state that he or she has resided in as provided for in Notice H 2012-11.
- d. Show ability to meet financial obligations in a satisfactory manner and on time.
- e. Have good and acceptable reference(s) from landlord(s), both current and previous, listed on the application for a time period of two years.
- f. Show that the applicant has the ability to fulfill all the lease requirements with or without care assistance where applicable. Live-in Care Attendant is a person who resides with an elderly or handicapped person and who:
 - (1) Is determined essential to the care and well-being of the person.
 - (2) Is not obligated for the support of the person.
 - (3) Would not be living in the unit except to provide the necessary supportive services. This can be a family member with proper documentation/certification.
- g. All applications are logged at the project by documenting the name of the applicant and the date and time the application was received at the project

PROCESSING APPLICATIONS:

For each application received, *HERITAGE TOWERS* will:

- 1. Determine if the applicant appears to qualify
- 2. Admit the applicant
- 3. Reject the applicant (see rejection section)
- 4. Place the applicant on the waiting list (see waiting list)

HERITAGE TOWERS will place all eligible families for the project chronologically on the waiting list and notify the household when a suitable unit is expected to become available.

WAITING LIST

All persons who meet eligibility requirements will be placed on the waiting list regardless of race, color, religion, creed, national origin, sex, familial status, sexual orientation, gender identity, handicap, or age (except as an eligibility requirement) in any phase of the occupancy process. The waiting list is arranged in chronological order and the records indicate the date and time the application was placed on the waiting list. The waiting list will also include the income category of the applicant to determine if the applicant meets HUD requirements as to low, very low or extremely low income.

1. Effective June, 2000, a minimum of 40% of the Section 8 units that turn over in a year and are rented to applicants on the waiting list, must be rented to applicants who meet the “extremely low” income limits as defined by [24 CFR 5.603](#) and are posted on HUDUSER www.huduser.gov/portal/dataset/il.html.
2. In order to meet the “extremely low” income targeting standards applicable to Section 8 units, applicants who meet the “extremely low” income limits may from time to time “jump” ahead on the waiting list and be offered a unit even though one or more “very low” income applicants were placed on the waiting list before the “extremely low” income applicant.

Income Targeting

A. Implementation

1. “Extremely low income” (ELI) means families with incomes at 30% or below median income and [complies with 24CFR 5.603 and are posted on HUDUSER www.huduser.gov/portal/dataset/il.html.](#)
2. Applicants from the project’s waiting list will be selected based on procedures below: (The policy used at this property is checked.)
 - a. X Alternate move-ins, beginning the first of each year with an ELI family, or,
 - b. Project the number of turnovers for the year, and rent the first 40% of that number to ELI families.
3. If the waiting list does not include eligible applicants with annual incomes at or below 30% of the area median, management will market and outreach to achieve the desired mix. If after actively marketing for at least 30 days, management is unable to fill vacant units with ELI families, management may lease to other eligible families. Documentation of marketing efforts will be maintained on file by management.

HERITAGE TOWERS gives preference to units designed specifically for the elderly, handicapped/disabled, to households whose head or spouse is a member of the group for which the units were designed.

Applicants who have been offered a unit and reject the unit go to the bottom of the waiting list and the application receives a new date, such date being the date and time the rejection of the unit was made by the applicant. After two rejections of units by an applicant, the applicant's name is removed from the waiting list. A letter is sent to the applicant advising that their name has been removed from the waiting list and they are requested to reapply at a future date. This procedure is uniformly applied to all persons.

When an accessible unit becomes available, an in-place tenant who needs the features of the accessible unit is given preference for the unit over an applicant on the waiting list. The transfer of units is required and done under current HUD regulation regarding unit transfers.

INTERVIEWS

PRELIMINARY INTERVIEW:

Once the application is received, the applicant is requested to call the office for a preliminary interview appointment. This does not mean that the applicant qualifies or is eligible for the program. Eligibility is determined after all income, assets, family composition, age, preference status, *etc.*, are verified. The preliminary interview is requested to determine the accuracy and completeness of the following:

1. information on the application
2. family income and composition
3. financial information and assets
4. criminal background history

After the preliminary interview, the applicant is informed of the following:

1. eligibility for housing
2. if appropriate unit size is available
3. number placement on the waiting list
4. requirement of notifying the project every six months of interest to remain on the waiting list.
 - a. Failure to do so will result in a "reminder" letter to notify the project of interest within 14 days.

- b. If letter is received within 14 days, the name remains on the list in the same chronological/time order; if not,
- c. The name is removed from the active waiting list, a notice sent to the applicant, and the application is filed in the inactive waiting list file and kept confidential for three years.

Note: If the applicant writes or calls several months after the fact, the name is again placed on the active waiting list, with the date and time now reflecting the date the applicant called to reactivate. Such date is documented on the application and chronological order on the computerized waiting list.

It is not the policy of *HERITAGE TOWERS* to close the waiting list. The six month purge enables the project to maintain a waiting list which can be handled efficiently and in accordance with the policies and regulations.

FORMAL INTERVIEW:

As the applicant's name nears the top of the waiting list, a formal interview is scheduled. Topics covered during the formal interview are as follows:

1. *Follow up on application.* *HERITAGE TOWERS* will update and confirm all information on the application.
2. *Program requirements.* *HERITAGE TOWERS* will explain program requirements, verification procedures and penalties for false or incomplete information.
3. *Release forms.* Consent forms for verification process must be signed by all household members who are age 18 and older.
4. *Eligibility certification.* *HERITAGE TOWERS* will obtain family income and composition information and other data needed to certify eligibility and compute the tenant's share of the rent.
5. *Finances.* *HERITAGE TOWERS* will review the financial information on the application and specifically ask the applicant for all the income and assets received by members of the household. *HERITAGE TOWERS* will ask the head or spouse to certify in writing whether any family member has disposed of assets for less than the fair market value during the past two years.
6. *Social security.* *HERITAGE TOWERS* will require all house hold members to disclose social security number. Applicants may document their social security numbers by presenting their social security cards or other documentation allowed by HUD displaying the social security number.
7. *Information verification.* *HERITAGE TOWERS* will inform the family that a final decision on eligibility cannot be rendered until all information is verified. *HERITAGE TOWERS* will

advise the family that HUD will compare the information a family has supplied with federal, state, or local information about that family's income and current status of Federal housing rental assistance with the Enterprise Income Verification (EIV) system. *HERITAGE TOWERS* will also inform the family that federal laws prohibit discrimination against individuals with disabilities and provide an overview of its obligation toward such individuals. Obligations include:

- A. adopting and implementing nondiscrimination procedures.
- b. implementing procedures and using auxiliary aids to ensure effective communication with the handicapped.
- c. permitting the use of assistive devices.
- d. accommodating requests to make units and facilities handicapped accessible and usable.
- e. permitting handicapped tenants to modify individual units or common areas at their expense where the modification would pose an undue burden to the project.
- f. accommodating requests for reasonable modifications in rules, policies, practices, and services where necessary to afford a handicapped person equal opportunity to use and enjoy the premises.
- g. keeping records regarding Section 504 compliance and making such records available to HUD.
- h. performing a self-evaluation (to determine compliance with 24 CFR Part 8 and Section 7 of the HUD handbook 4350.3) and making necessary modifications after consultation with interested persons.
- i. designating at least one person to coordinate efforts to comply with Section 504 and notifying all applicants and tenants in writing that the project does not discriminate on the basis of handicap, for projects employing more than 14 people.

Note: HERITAGE TOWERS need not make physical alterations or programmatic adjustments that would result in undue administrative or financial burden or which would result in a fundamental alteration in the nature of the program. Where the burdens of physical alterations are prohibitive, the owner still must allow a resident to make the alteration at his/her own expense. See page 21 for Reasonable Accommodation Policy.

8. *Information for Elderly or Handicapped. HERITAGE TOWERS will inform the elderly and/or persons with disabilities who are eligible applicants that they may not be prohibited from keeping household pets in their units nor be discriminated against because of pet ownership, provided that they uphold our reasonable pet rules on keeping common household pets.*

SCREENING

PURPOSE:

HERITAGE TOWERS realizes that there may be circumstances, when screening applicants, that might affect the outcome of original decisions. *HERITAGE TOWERS* is prepared to change its mind on rejections when presented with evidence. Consistency is important, but inflexibility does not accomplish the program's purpose. *HERITAGE TOWERS* will verify the applicant's explanation of the facts surrounding the extenuating circumstances and refuse occupancy to applicants who are unable to establish a current ability to comply with a project's legitimate requirements of tenancy. *HERITAGE TOWERS* as required by law criminal background and sex offender searches will be done for each state, as listed on the application, that the applicant(s) have lived in at initial move in. Screenings will be done by using screening services that serve the housing industry and/or the Department of Justice Dru Sjodin National Sex Offender Database website and/or state sex offender database websites.

At every re-certification each head of household and household member will be required sign a statement that they are or are not required to register as a sex offender under any state required mandatory registration program. Also at each re-certification the Department of Justice Dru Sjodin National Sex Offender Database website and/or state sex offender database websites will also be check for each head of household and household member. All screening costs are charged to the project.

It is important that all applicants be screened in accordance with HUD's regulations (24 CFR Part 960) and sound management practices.

1. The screening and verification procedures of *HERITAGE TOWERS* attempt to ensure that the limited, federally assisted housing stock is available to those households which meet the eligibility criteria established by HUD.
2. The objective of screening is to ascertain in a thorough and effective manner, that the applicant meets the fundamental requirements of occupancy. *HERITAGE TOWERS* applies adopted criteria uniformly to all applicants.

POLICY:

1. The personnel of *HERITAGE TOWERS* know and understand that the screening process is to be implemented consistently to eliminate the difference in opinion and approach. Personnel are courteous, professional, and try to ask the right questions when obtaining and documenting information.
2. Screening is based only on criteria that can be verified. Management must be able to defend screening decisions with documentation which has been properly recorded, dated, and signed.

3. *HERITAGE TOWERS* can request health information only when the applicant requests a unit designed for persons with disabilities or claims a preference for persons with disabilities. In such cases, management will determine whether an applicant is qualified for a unit or preference available to persons with disabilities or to persons with a particular type of disability.
4. An applicant may be screened on actions or behavior in previous housing that relate to potential compliance with essential lease provisions. Essential lease provisions are provisions which, if violated, could result in eviction. Information related to assessing the conduct of the applicant and other family members listed on the application, in present or prior housing, is some information considered in screening.

Relevant information respecting the habits or practices to be considered may include, but is not limited to:

1. An applicant's past performance in meeting financial obligations, especially rent, (required 24 CFR 60.205(b) (1). A Credit Score of at least 300. If Credit Score is less than 300 – management will review all circumstances involved with score. If landlord scores are good, if criminal background is good, and there is no credit history – or good credit history in the past three years – consideration will be given to accept applicant. In some instances the applicant may have to obtain the services of a payee to be accepted.
2. A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors. (required 24 CFR 960.205 (b)(2)).
3. Involvement in criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property, and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other tenants. (required 24 CFR 960.205 (b)(3) and the Anti-Drug Act of 1988).
4. Are subject to a state lifetime sex offender registration program.
5. Abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. (24 CFR part 5, subpart 1 & J).
6. The screening of live-in aides at initial occupancy, and the screening of persons or live-in aides to be added to the tenant household after initial occupancy involve similar screening. Both live-in aides and new additions to the tenant household will be screened for drug abuse and other criminal activity
7. A record of eviction from housing or termination from residential programs. (taking into account date and circumstances).
8. An applicant's ability and willingness to comply with the terms of the HUD lease (required 24 CFR 8.2).

9. An applicant's misrepresentation of any information related to eligibility, award of preference for admission, allowances, family composition, or rent.
10. Care for the unit, keeping it clean, safe, and sanitary, and reporting maintenance needs in a timely fashion.
11. Avoid vandalism to grounds or common areas or damage to the unit.
12. Comply with reasonable rules established by HUD and the owner.
13. Not to adversely affect the physical environment or financial stability of the project. (required 24 CFR 906.205 (b)).

The applicant's willingness to pay rent in a timely manner, care for the unit with or without assistance, and abide by the lease may be determined by contacting current and previous landlords.

HERITAGE TOWERS will request health information only when the applicant requests a unit designated for persons with disabilities or claims a preference for persons with disabilities. In such cases, inquiries may be made to determine whether an applicant is qualified for a unit or preference available to persons with disabilities or to persons with a particular type of disability. Otherwise, *HERITAGE TOWERS* may not make inquiries to determine whether a person is disabled or to determine the nature or severity of a disability. The applicant has to have the ability to fulfill all of the lease requirements with or without assistance. In addition, *HERITAGE TOWERS* cannot require prospective tenants to undergo physical examinations.

REJECTIONS

Applicants may be rejected if they:

1. Are ineligible based on financial prerequisites or because they are not members of a group *HERITAGE TOWERS* was designed to serve.
2. Fail to meet the owner's tenant selection criteria.
3. Are unable to disclose and document Social Security numbers.
4. Are unable to provide proof of U.S. Citizenship or Eligible Non – Citizen Status.
5. Fail to meet HUD's criteria.

Some examples of the rejections listed above are as follows:

1. This is an "elderly" project and the applicant is not 62 years of age or older or the applicant is under 62 years of age and is not mobility impaired.

2. The family income (using the HUD definition of income) is over the applicable income limits published by HUD.
3. Negative references from current and previous landlords.
4. Failure to provide names and addresses or phone number of current or previous landlord.
5. Submission of false or untrue information on the application, or failure to cooperate in the verification process.
6. The household size (including a live-in aide) is not appropriate for this unit.
7. Failure to sign designated forms and/or documents upon request.
8. The applicant has a pet that does not conform to management or HUD rules and regulations. Assistive animals are not considered pets.
9. This is not the applicant's only residence.
10. The applicant is not capable of fulfilling the lease agreement, with or without assistance.
11. The applicant has a history of non-payment of rent or of being evicted for non-payment.
12. Eviction for reasons other than non- payment of rent.
13. Any one conviction of a felony.
14. Any one conviction of a crime not classed as a felony.
15. Any one conviction of driving while under the influence.
16. Any conviction for the use, distribution, or manufacturing of any controlled substance.
17. Any household in which any member is currently engaged in illegal use of drugs for which the owner 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.
18. Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity.
19. Any household member who is subject to a state sex offender lifetime registration requirement.

20. 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 health, safety, and right to peaceful enjoyment by other residents. Screening will be based on behavior, not the condition of alcoholism or alcohol abuse.
21. Anyone whose tenancy would constitute a threat to the health and safety of other residents, owner, employees, contractors, subcontractors, or agents of the owner, s or whose tenancy would result in substantial physical damage to the property of others, or whose tenancy would interfere with their peaceful enjoyment of the premises.
22. Failure to submit certificate of proof of "preference status" upon request.
23. The applicant cannot pay the security deposit at move-in.

Criminal Screening

The reason for criminal screening is to insure the safety of the staff, residents, visitors and the property and to comply with HUD Housing Regulations.

Housing Notice H 2015-10 issued November 2, 2015 *informed owned PHAs and owners of federally-assisted housing that arrest records of may not be the basis of denying admissions, terminating assistance or evicting tenants, to remind PHAs and owners that HUD does not require the adoption of "One Strike" policies, to remind them of their obligation to safeguard the due process rights of applicants and tenants.*

Heritage Towers does not use arrest records as part of criminal screening as arrest records only make record of an arrest not a conviction. Heritage Towers will make use of criminal screening records recording convictions, government websites, tenant selection criteria, current HUD regulations and information provided on applications in determining that a criminal background may be used as a basis of rejection. Each case is looked at individually using criteria spelled out in the Tenant Selection Plan and current HUD Regulations.

Criminal screening is done by a screening service designed for the affordable housing industry that looks at statewide and county searches. The service provides criminal background conviction records, credit history, credit score, former address history, court recorded evictions, terrorist screening (law enforcement will be contacted by the screening service) and sex offender registry status by use of the DOJ Sex offender website. The use of the DOJ Sex offender website and state websites may also be used to screen for sex offender status by *Heritage Towers*.

All rejected applicants are given the right to appeal their rejection and plead their case and present evidence contrary to information received as part of the screening process. With new evidence rejections may be reversed.

HUD has established required screening requirements [Notice H 2002-22 (HUD)] that are **must** rejections for Section 8 housing and they are:

1. The owner **MUST** prohibit admission of applicants if any household member is engaged in the illegal use of drugs, or if the owner has reasonable cause to believe that a household member's illegal use of a drug or pattern of illegal use may interfere with health, safety and right to peaceful enjoyment of other residents.
2. The owner **MUST** prohibit the admission of persons subject to lifetime registration requirements under a state sex offender program.
3. The owner **MUST** prohibit admission of applicants if any household member was evicted from federally-assisted housing for drug-related criminal activity for three years from the date of the eviction.
4. An owner **MUST** prohibit admission if there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety or peaceful enjoyment of the premises by other residents.

An owner **MAY** prohibit admission for 1) drug-related criminal activity; 2) violent criminal activity; 3) other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or 4) other undesirable activity that would threaten the health or safety of the owner or any employee, contractor, subcontractor, or agent of the owner who is involved in the housing operations.

The owner has established the following guidelines of "reasonable time" in which the applicant and each member of the applicant's household must not have engaged in these activities before admission:

Basis of Rejection (one or more of the following):

- *Felony as defined by State or Federal law: conviction within the past three (3) years;*
- *Misdemeanor as defined by State or Federal law : conviction within the past two (2) years;*
- *Driving while under the influence felony or misdemeanor as defined by State or Federal Law: conviction within the past three (3) years;*

- *Drug-related criminal activity: conviction for the manufacture, sale, or distribution, or for possession with the intent to manufacture, sell, or distribute, a controlled substance within the past three (3) years;*
- *A felony or misdemeanor as defined by State or Federal law where a firearm was used in committing the crime: conviction in the past seven (7) years.*
- *Illegal firearms: conviction for possession an illegal weapon within the past five (5) years; OR*
- *Pattern of undesirable behavior as evidenced by law enforcement reports of repeated disturbances involving law enforcement.*

Note: Drug-related criminal activity is defined 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. [24 CFR 5.100]

Drug-related criminal activity does not include the use or possession of a controlled substance if the applicant can demonstrate that the individual has an addiction, a record of such an impairment, or is regarded as having such an impairment; AND has evidence of recovery via proof of completion of an accredited rehabilitation program; AND has not used or possessed a controlled substance for at least one (1) year; AND does not currently use or possess a controlled substance.

It is important to remember that the applicant has rights during the entire process, and is to always be treated courteously and fairly. All criteria are to be applied equally to all applicants **reviewing all applicable information and or information brought forth in an appeal.**

PROCEDURES:

When an application/certification is rejected by management, the applicant will be notified of this decision in writing to the mailing address on the application. This written statement, sent in a timely fashion, will include the reason(s) for the rejection, and state that the applicant has the right to request a meeting with management to discuss the rejection. The applicant will be further instructed to request the meeting in **writing** within 14 days of the applicant’s receipt of the rejection letter.

If the applicant wants to request a meeting, the applicant’s written request must be sent to *HERITAGE TOWERS* within 14 days of the applicant’s receipt of the rejection notice. If a rejected applicant calls the management office after receiving a rejection letter and requests a meeting, management will record the date and time and details of the call for the requested meeting and the rejected applicant will be instructed

to submit the request in writing within 5 business days of the phone call, which can be mailed or hand delivered. **Requests for a meeting must be submitted in writing to be acted upon.**

The rejected applicant may first discuss (if the rejected applicant chooses to do so) the rejection with the Project Administrator or go directly to the Owner for appeal. If the rejection is discussed with the Project Administrator may reverse the rejection in the light of new information offered. If the Project Administrator upholds his/her decision of the rejection the rejected applicant may continue appeal to the **Owner if he or she chooses to do so.**

The requested appeal will be held by *two to three members of the owner board* within a reasonable period of time usually 5 to 7 business days. The date, time and place of the appeal will be mailed to the applicant at the mailing address provided on the application. If a rejected applicant requesting an appeal fails to respond to a first notice of a hearing a second notice will be sent as prescribed before, setting date, time and place if the rejected applicant fails to respond to the second notice of a hearing the original rejection will stand.

After the appeal hearing, the applicant will be notified in person or by phone at the phone number provided on the application, of the decision within 5 business days. Whether initial notification is made in person or by phone, a letter stating in writing the appeals board decision will be mailed to the address provided on the application within 5 business days of the decision. There is no further avenue of appeal.

All of this material (original application, rejection letter, applicant's request for a meeting, and final determination) must be kept for three years confidentially in the files.

If you are a person with a handicap or disability you have the right to request reasonable accommodations to participate in the informal hearing process. Please contact us at **(307) 674-8825 (TDD 711)** so that we can determine whether reasonable accommodations are needed in order for you to participate in the informal hearing process.

OFFERING A UNIT

When a unit becomes available, in-place residents requiring a unit with accessible features will be housed appropriately before the unit is offered to an applicant on the waiting list. If there are no in-place residents in need of the accessible unit, the unit may be offered to an applicant on the waiting list, pending eligibility certification.

If an applicant on the waiting list is offered a unit and refuses the unit, the following procedure is followed:

1. The applicant is advised in writing that a one-time refusal of the unit places her/his name at the bottom of the list with a new chronological date and time being the date of the refusal.

2. If an applicant refuses a unit twice, the applicant is removed from the waiting list, and is notified in writing of the removal and advised to reapply at a later date.

PREFERENCES

UNITS DESIGNED SPECIFICALLY FOR ELDERLY OR HANDICAPPED/DISABLED PERSONS:

The owner must give preference to households whose head, spouse, or family member is a member of the group for which the units were designed.

When choosing among eligible applicants, *HERITAGE TOWERS* must apply these preferences in the following order:

1. Preference established by the statute governing the program under which assistance is provided.
2. Preferences based on HUD rules.
3. Preferences based on state or local law.
4. Additional owner-established preferences specified in the owner's Tenant Selection Criteria and consistent with nondiscrimination and equal opportunity requirements.

OCCUPANCY POLICY AND STANDARDS

In developing Occupancy Policy/Standards for HERITAGE TOWERS ("management" or "facility"), it is recognized that local practices may vary significantly. Management does not allow occupancy which exceeds that which is allowable under local law. Management agents are permitted to set maximum Occupancy Policy/Standards which are more restrictive than the applicable codes.

PRINCIPLES

1. Each individual will be treated on his/her merits, without presumption of his or her abilities based on race, religion, gender, age, national origin, disability or familial status, recognizing specific program requirements may limit eligibility under law.
2. Management is obligated to:
 - a) provide decent, safe and sanitary housing; and

- b) comply with housing assistance program requirements

(NOTE: In the event of failure to comply with these obligations, tenants may avail themselves of appropriate remedies for redress, such as grievance procedures, provided by law.)

3. Lease terms, house rules and other policies governing tenancy must be applied uniformly to all tenants.
4. Management must enforce essential performance-based lease requirements and may seek appropriate remedies up to and including evictions.
5. Management will provide timely, effective and adequate notices and an appropriate opportunity for review of its decisions that affect tenants, including responses to tenant requests for reasonable accommodations.
6. Management will seek information necessary to meet program requirements in the least intrusive way possible. Management will protect the confidentiality of information provided by tenants and respect the individual privacy of tenants consistent with program requirements. Similarly, landlords have an obligation to inform local authorities when they have a reasonable suspicion that a tenant:
 - a). Is engaged in illegal or potentially illegal activity on the premises.
 - b) Represents an immediate danger to himself/herself or others.
 - c). May be in danger or harmed by someone else on the premises.
7. The tenant's essential requirements of occupancy include the following:
 - a) Timely payment of rent.
 - b) Maintain their unit in a safe, decent and sanitary condition.
 - c) Not unduly disturb or endanger neighbors, or infringe on their right to quiet enjoyment of their apartment and related premises.
 - d) Refrain from on-site criminal activity or participation in criminal activity that affects the housing in any way, including the sale, use or manufacture of drugs in or around the premises.
 - e) Comply with the housing assistance program requirements.
 - f) Abide by all terms of the lease and the House Rules.

STANDARDS

Congress prohibits HUD from establishing national occupancy standards. Therefore, management has a right to set reasonable standards regarding household size versus unit size. HUD has no program requirements concerning how many persons can share a bedroom. All persons who occupy a unit at this facility must be eligible for the program per HUD Handbook 4350.3, and management’s Tenant Selection Criteria.

These Occupancy Policy/Standards can not, will not, and do not unfairly restrict the housing opportunities of families with children who qualify and meet all of the criteria for occupancy. Nor does it restrict housing opportunities to persons with disabilities who require the specific features of the accessible units and who qualify and meet all of the criteria.

NUMBER OF OCCUPANTS PER UNIT

In determining family size, management will count the number of full-time members of the household, children who will reside in the unit, and live-in attendants. The appropriately sized unit for the applicant’s household must be available within the facility. This facility has only one-bedroom units; therefore, no consideration can be given to families who may qualify for more than one bedroom type (2 or 3 bedrooms).

In developing occupancy standards, management considers the relationship and sex of the persons in the household. No more than two persons are required to share a bedroom. Unrelated adults and persons of the opposite sex (other than spouses) should not be required to share a bedroom. A child may share a bedroom with a parent or guardian if they so desire. Management may not provide bedroom space for adults who are not members of the household such as children in active military, institutionalized family members, or friends.

	No. of Bedrooms	Minimum Persons	Maximum Persons
Household With Spouse	1	2	2
Household Without Spouse	1	1	2
Household With Children (under 18)	1	2	2
Household With Live-In Attendant	1	2	2

No adult is allowed to live in the unit if they are not signed on the lease (except qualified live-in aides). Any adult member added to the lease after the initial move-in must also meet the requirements of the Tenant Selection Criteria. If a household member dies, the remaining person on the lease is permitted to remain in the unit.

Any tenant who has a child under 18, who is the legal guardian, or the child is in their custody as approved by the courts, is permitted to have the child share a bedroom with them at this facility if the tenant desires. If the tenant dies, the child under 18 will have to move from the unit.

Management will accept a child of a tenant/applicant with disabilities, and the child can share the bedroom with the parent, if the parent so chooses. The tenant/applicant household with disabilities under age 62 must require the accessible features of the handicap unit.

A live-in attendant is not a part of the household or the lease. The attendant is counted as one of two persons per unit. If the tenant moves out of facility or dies, the attendant cannot remain in the unit. A live-in aide qualifies for occupancy only as long as the individual tenant needs support services and may not qualify for continued occupancy as a remaining family member.

Accessible units are assigned in the following order:

1. To a current tenant household that includes a member with a disability requiring the accessibility features of the unit.
2. To the next eligible, qualified applicant household on the facility's waiting list who has a preference required by the program under which our facility is assisted and who has a disability requiring the special accessibility features of the unit.
3. To disabled applicants who have no preference.
4. To qualified applicants with a federal preference.
5. To qualified applicants who have other federal preferences listed in HUD Handbook 4350.3, paragraph 2.28.
6. To eligible applicants on the chronological waiting list.

If there is neither a current tenant nor a qualified applicant with disabilities requiring the accessibility features of the unit, the unit may be offered to a non-disabled applicant. However, the household occupying the accessible unit will move to a non-accessible unit when one becomes available to give the accessible unit to an applicant/tenant who requires the features of the accessible unit. This unit transfer is an addendum to the Lease. The facility accepts responsibility for this type of move.

OVERCROWDING

Units shall be considered overcrowded if the household would be considered too large for the unit. A household which increases in size to more than two persons would be considered overcrowded, and in violation of the Occupancy Policy/Standards. Additional data on two persons per unit is found in HUD Handbook 4350.3 and the lease.

UNDERUTILIZATION

If a household decreases in size from two persons to one, the remaining tenant can stay in the unit. See HUD Handbook 4350.3, paragraph 2-19, and the lease.

Management makes every effort to place two persons in a unit when possible. The reason for this is to optimize the use of scarce subsidy resources.

REASONABLE ACCOMMODATIONS

Landlord (management) obligations to tenants and applicants are determined by law. Management has several obligations to its tenants and applicants which are defined in various statutes. Under federal law, landlords are required to seek a reasonable accommodation in rules, policies, procedures and operations to allow a qualified individual with disabilities an opportunity to equally enjoy or participate in the housing program. Accommodations are considered reasonable if they do not impose an undue burden on management, and if they would not constitute a fundamental alteration to the nature of the program. {42 U.S.C. 3601-3619; 24CFR Part 100.204; 29 U.S.C. 794; 24 CFR Subtitle A, Part 8.11 }

The concept of reasonable accommodation involves helping a tenant, when possible, by accessing resources in the community enabling them to meet essential requirements of occupancy; it does not require the lowering or waiving of genuinely essential requirements. Accommodations are not reasonable if they require a fundamental alteration in the nature of the program or impose undue hardship and administrative burdens on management.

Reasonable accommodations might include any and all of the services specifically designed to establish and/or maintain lease compliance. Examples of services would be housekeeping assistance, assistance with making rental payments, and related services. Within the social service context, supportive services may be necessary as reasonable accommodations and are generally defined as services to help support the efforts of an individual or family with physical, mental or emotional impairments (regardless of one's classification as elderly, disabled, etc.) to help them live within the community. Such support services might include special devices and aids, health and mental health services, rehabilitative services, vocational training, medication management, personal assistance and related services.

Reasonable structural modifications to housing units or common areas are given consideration. Examples of structural modifications include installing ramps and widening doors (to accommodate wheelchair

users), installing visual fire alarms (to accommodate persons with hearing impairments), and installing a Braille control panel in an elevator or common areas (to accommodate persons with visual impairments).

Regulation 24CFR 8.6 is in effect at this facility. An operable TDD phone is located in the reception area or office.

VERIFICATION OF REASONABLE ACCOMMODATION REQUESTS

When management receives a request for reasonable accommodation, management will communicate with the tenant/applicant advising him/her that the request will be considered subsequent to the return of the verification. The verification will state the reasonable accommodation requested, and will ask the receiving party to affirm that the tenant/applicant requires the accommodation requested. The verification form will not contain inquiries which may tend to disclose the nature or extent of the individual's disability, or other confidential medical information.

The verification should be sent to an individual or firm of the applicant/tenant's choice, and should be completed by an individual who, in their professional capacity, is familiar with the circumstances of the applicant/tenant. This professional person does not have to be a physician. Requests for reasonable accommodation are confidential and are handled in accordance with properly established procedures for the safeguarding of such information.

TRANSFER OF APARTMENTS

It is the intention of management to provide decent and sanitary housing to all eligible and qualified applicants and residents. While management understands that there may be instances and circumstances which make an apartment transfer desirable, the cost in lost rental income and unit rehabilitation limits the acceptable reasons for granting such requests.

The resident requesting the apartment transfer must do so in writing stating the reason for the request, if the resident needs help in putting the request into writing management will help the resident do so. The Project Administrator will then consider the request and make the decision to approve or deny the request within a reasonable time period. The resident will be informed in writing of the decision and be placed on the in house waiting list and offered the next appropriate apartment that becomes available.

The Project Administrator may ask the resident to provide acceptable documentation from a qualified professional stating that such a transfer is necessary to the resident's health and well being, or that the resident otherwise requires the specific architectural features of an accessible apartment. The acceptability of the documentation provided will be determined at the discretion of the Project Administrator, subject only to applicable laws and regulations.

If the resident refuses an offered apartment who requested an apartment transfer for medical/health reasons, acceptable documentation from the qualified professional stating why the apartment is unacceptable is required in order for the resident to be offered another apartment.

A resident who requested an apartment transfer for reasons other than medical/health and rejects the offered apartment will be required to wait one year before requesting another apartment transfer.

For a resident-initiated transfer, the resident may be required to pay an HUD approved apartment transfer fee of \$70.00 resulting from such move. A resident should occupy an apartment for six months before considering a transfer. Management may request a resident move from an accessible unit to a non-accessible unit in order to give the person with disabilities the unit with the accessible features. In this case, management will help coordinate the move and take responsibility for costs of moving. Resident transfers within the project will be given preference over applicants on the waiting list.

There are 9 apartments that have an extra small room as they sit next to the stair well. These apartments are highly desirable for the extra room. An in house waiting list is kept for these apartments. Preference will be given to residents who have a verifiable medical need for the extra room. Residents whose only desire for the apartment with the extra room is for the extra room will be required to pay a unit transfer fee of \$70.00. The cost of moving and labor are the responsibility of the resident.

Please note that a tenant who smokes and is allowed to smoke in their apartment as they signed their original lease before February 7, 2008 and initiates their own apartment transfer will lose their “grandfather” status to be allowed to smoke in their apartment. Please refer to [SMOKING](#) section of the House Rules [[Note: effective January 1, 2016 grandfather status ends by change in House Rules SMOKING section.](#)]

ADMISSION POLICY

Purpose:

The purpose of this policy is to implement the HUD regulations noted above with respect to the Quality Housing and Work Responsibility Act (QHWRA) for the Section 8 housing assistance payments program at this property. The Tenant Selection Criteria and Occupancy Policy/Standards are amended as follows:

FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS:

It is illegal to base resident selection on race, religion, color, creed, ethnicity, national origin, sex, familial status, sexual orientation, gender identity, handicap, or age (except as an eligibility requirement) in any phase of the occupancy process. It is also illegal to reject an applicant solely because s/he is handicapped, although it may not be possible to admit handicapped residents to certain units. Individuals with handicaps qualify for housing need based on “basic eligibility requirements that govern eligibility for

admission.” 42 U.S.C. 3601-3619; 24 CFR Part 100.202, 29 U.S.C. 794; 24 CFR Part 100.202, 29 U.S.C. 794, 24 CFR Subtitle A, Part 8.3 (c) and 8.4. Regulations implementing the Fair Housing Amendments Act of 1988 prohibit discriminatory conduct on the basis of “handicap” related to advertising for the rental of housing and require owners to market their property(s) to reasonably ensure the handicapped individuals who may be qualified for the housing have an opportunity to apply for the housing. 42 U.S.C. 3601-3619; CFR 100.75. An owner cannot determine if a handicapped person is eligible for the project program based on his/her ability to “take care of himself/herself or the unit”; the handicapped person makes that determination.

NONDISCRIMINATION STANDARDS:

1. There is no assigning of minorities to designated units or sections of this project.
2. There will be no renting of units to one sex and not the other.
3. There are no priorities based on sponsoring organization.
4. There is no discrimination solely because of handicap within the guidelines of the housing program. *HERITAGE TOWERS* does not deny qualified individuals housing or any other benefits on the basis of their handicaps. However, only a set number of units in the project are designed for mobility impaired individuals.
5. No inquiries will be made to determine whether an applicant has a handicap or the nature or severity of such a handicap, provided that *HERITAGE TOWERS* will verify the applicant’s need for the architectural features of a mobility impaired unit if one is requested.
6. There is a minimum age necessary for normal eligibility requirements, but no maximum age in this program.
7. No discrimination based on race, religion, color, creed, ethnicity, national origin, sex, familial status, sexual orientation, gender identity, handicap, or age (except as an eligibility requirement) in any phase of the occupancy process.
8. No priorities or application criteria (i.e. variations in charges or deposits) are based on race, religion, color, creed, ethnicity, national origin, sex, familial status, sexual orientation, gender identity, handicap, or age (except as an eligibility requirement) in any phase of the occupancy process. No limits are set on the number of one minority or another to be selected for tenancy.
9. There is no segregation on the basis of disability.

10. No inquiries can be made to determine if a person is disabled, or to determine the nature or severity of a disability, provided that *HERITAGE TOWERS* will verify the need for the architectural features of a mobility impaired unit.
11. No prospective tenants can be required to undergo physical examinations.
12. *HERITAGE TOWERS* does not require donations, contributions, or membership fees as a condition of admission.
13. There is no segregation on the basis of income

Definition of “Disability” has changed to:

A person with disabilities. This means a person who:

- A. Has a disability, as defined in 42 U.S.C. 423 (Social Security Disability Benefits). The term “disability” means:
 - (1) 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,
 - (2) 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 has previously engaged with some regularity and over a substantial period of time.
- B. Is determined pursuant to HUD regulations, to have a physical, mental or emotional impairment that:
 - (1) Is expected to be of long-continued and indefinite duration;
 - (2) Substantially impedes his or her ability to live independently, and
 - (3) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- C. Has a developmental disability as defined in 42 U.S.C. 6001

42 U.S.C. §6001	The term “developmental disability” means a severe, chronic disability of a person 5 years of age or older that: --
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	<p>(A) is attributable to a mental or physical impairment or combination of mental or physical impairments;</p> <p>(B) is manifested before the person attains age twenty-two;</p> <p>(C) is likely to continue indefinitely;</p> <p>(D) results in substantial functional limitations in three or more of the following areas of major life activity:</p> <p style="padding-left: 40px;">(i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency, and</p> <p>(E) reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.</p> <p>42 U.S.C. 6001(5)</p>
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2. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agent for acquired immunodeficiency syndrome;
3. For the purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
4. Means “individual with handicaps” as defined in the Code of Federal Regulations (Title 24 CFR, Part 8.3, Definitions, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of HUD), for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Single Persons

A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms. As the statutory preference for admission of families before admission of single persons was repealed, single persons will be considered for admission in accordance with established tenant selection and occupancy policies. However, single persons will only be housed in an efficiency (zero bedroom) or one bedroom unit. If the property does not contain efficiency or one bedroom apartments, single persons will not be admitted for occupancy.

Minimum Rent (Total Tenant Payment) Requirements

1. For Section 8 project-based programs (other than moderate rehabilitation programs), the minimum rent or total tenant payment (TTP) is \$25.
2. This minimum rent (TTP) will apply when the calculated total tenant payment for the family is less than \$25. Minimum rent does not apply to PRAC projects.
3. The responsible entity (owner/agent) must grant an exemption from payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship, as described in the owner/agent written policies. Financial hardship is described as follows and includes these situations:
 - a. When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program;
 - b. When the family would be evicted because it is unable to pay the minimum rent;
 - c. When the income of the family has decreased because of changed circumstances, including loss of employment;
 - d. When a death has occurred in the family, and
 - e. Other circumstances determined by the owner/agent or HUD.

Implementation

1. For “2” above (imminent eviction), management will start the process only if the family requests a financial hardship exemption after they received a “Notice to Vacate” for non-payment of rent. Management will verify and accept **reasonable** explanations. The Notice to Vacate for Delinquency form will include language informing residents to notify management in writing if there is a reason to request a hardship exemption to the minimum rent requirements and the family’s TTP is less than \$25. Attached is a sample **Request for Section 8 Minimum Rent Financial Hardship Exemption** form.

2. For “3c” above (decrease in income), management will verify the change has occurred.
3. For both “3d” and “3e” above (death in family and other circumstances), management will evaluate the request for exemption on a case by case basis.

Timing

1. When a family requests an exemption, management must suspend the minimum rent requirement the first of the following month, until verified whether or not it is long term or temporary.
2. Once status of exemption is determined:
 - a. Temporary: At the end of 90 days, minimum rent is reinstated retroactive to the initial suspension date. The tenant will be offered a reasonable repayment agreement for collection of the money owed. In this scenario, re-certification is not required.
 - b. Long Term: Minimum rent is exempted so long as the hardship exists. In this scenario management will process a HUD re-certification retroactive to the initial suspension date. Management will require the resident to report the status of the exemption on a quarterly basis.
 - c. Determinations will be made in a timely manner on resident requests for a hardship exception, usually in one week. Documentation on all determinations will be maintained on file by management.

Utility Reimbursements

Not applicable to this PROJECT. Utilities except for telephone and Cable TV are included in the rent.

Section 524 – Occupancy by Police Officers and Security Personnel

1. QHWRA permits occupancy by police officer/security personnel who are otherwise ineligible to lease an available unit because of income.
2. The owner will adhere to the following to receive authorization to house over-income personnel in an assisted unit.
 - a. The police officer/security personnel must be employed full time (not less than 35 hours per week) by a governmental unit or a private employer and compensated expressly for providing police or security services.

- b. The owner/management agent will submit a written plan to the contract administrator for authorization to lease an available unit to over-income police officers. The plan will include:
- c. A statement detailing existing social and physical conditions of the property and the owner's informed assessment of the need for crime deterrence for the property;
- d. A statement of the anticipated benefits that the presence of police officers will create at the property and in the community;
- e. Disclosure of any family relationship between the police officer, security personnel and owner;
- f. A description of the proposed gross rent for the unit and any special conditions for occupancy, including the rent that would ordinarily be charged for the unit and the owner's annual maintenance cost for the unit. The amount of Housing Assistance Payments will be in conformance with HUD requirements;
- g. The terms of the lease including a provision that states the police officer's right of occupancy is dependent on the continuation of employment that qualifies the officer for residence at the property;
- h. Other information as may be requested by HUD or the contract administrator.

The owner may not offer a unit to a police officer if the officer would displace an income eligible tenant from leasing the available unit or would require an existing tenant to move to make the unit available to the officer.

