Hobson City Apartments

Multifamily Subsidy Tenant Selection Plan



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REVISION UPDATE:
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Managing Agent and Owner:

Anniston Housing Authority
Management Office:
500 Glen Addie Avenue
Anniston, AL 3620
256-236-1575

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CHAPTER 1 STATEMENT OF POLICIES AND OBJECTIVES

A. INTRODUCTION OF ANNISTON HOUSING AUTHORITY AS MANAGING AGENT AND OWNER

Anniston Housing Authority (AHA) of Anniston, AL is managing agent for Hobson City Apartments (HCA), has established the following tenant selection plan (TSP) in the waiting list, processing applications, eligibility, and continued occupancy for Hobson City Apartments in conjunction with its management plan, HUD regulations, and all federal and state laws including fair housing laws and regulations.

The policy of the owner and manager is one of equal opportunity and nondiscrimination in compliance with all Civil Rights Legislation (1964, 1968, 1988), Section 504 of the Rehabilitation Act of 1973, and the Affirmative Fair Housing Act Marketing requirements as set forth in property marketing and posting in the management office. No applicant would be denied housing on the basis of race, color, religion, sex, familial status, handicap status or national origin. Applicants must meet all property tenant selection requirements to gain admission to Hobson City Apartments.

B. PURPOSE OF THE PLAN

The purpose of this Tenant Selection Plan is to establish guidelines for the management staff to follow in determining eligibility for admission and continued eligibility. These policies are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the managing agent. References to the Code of Federal Regulations (CFR) in the title of a section or paragraph are intended for reference only, and not to restrict the management agent from setting its own policies, as permitted by law.

AHA is responsible for complying with all changes in HUD regulations pertaining to its programs. If any changes conflict with this Tenant Selection Plan, HUD regulations will take precedence.

C. OCCUPANCY POLICY

Anniston Housing Authority provides individuals with Limited English Proficiency (LEP) equal access to participation in its programs at the same level as native English speakers. Specific information can be found this Tenant Selection Plan: Language Access Plan describing outreach activities and translation of documents to assist families with limited English proficiency.

The number of occupants must be in accordance with the occupancy standard as set forth by HCA management based upon local codes and ordinances, HUD regulations as each may change from time to time.

HCA management may change the occupancy limit during the lease term if changes in laws, ordinances, or regulations make such change necessary. Notwithstanding the above, HCA

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management shall have the right to make reasonable accommodation for individuals with disabilities and may adjust occupancy limits to further the goal of reasonable accommodations.

In determining occupancy standards, the intent of property policies is to neither overcrowd nor underutilize space. Occupancy is based on the number of persons in the household and is based on counting all full-time household members of a household, dependent minors who are away at school but live with the applicant/resident at recesses, unborn children or children in process of being adopted or secured by custody action, foster children and live in aides. Children who live in a household 50% of the year or more are also counted towards the total household number, however, visitors, permanent confined or institutionalized household members and children are not counted in the determination of occupancy eligibility.

Applicants and residents needing a specific designated unit with specific features and accommodations would be given such consideration and priority in tenant selection. Should there be no applicants who would benefit from a special unit feature, another applicant selected based on income level and occupancy policy could occupy the unit when available. Transfer of an existing resident to a accommodating special feature unit, when available is noted in this policy's transfer plan.

Number of Occupants	
Bedroom Size	Maximum
1	3
2	5
3	6
4	8

For marketing purposes with various sized units, applicants who meet the income limits and would qualify for another unit by the occupancy policy may occupy a larger unit with the same agreement to transfer to the correct sized unit when one becomes available. However, if there is an applicant on the waiting list who also qualifies for that smaller sized unit, then the "occupancy ineligible" tenant will not have to move into the smaller size unit until such time as there is no one for that size unit on the waiting list. In both transfer situations the applicant would be responsible for payment of all moving expenses. Deposits would be transferred, without any damage to the current unit or other charges as allowed by the lease agreement.

LIVE IN AIDS (24 CFR §982.316)
A live-in aide:

- Is determined by the PHA to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated to support the person(s), and
- Would not be living in the unit except to provide care for the person(s),
- May not be a spouse/partner or co-head,
- Must not be in a spousal relationship with any member of the household, and
- Must be at least 18 years old, unless he or she is an emancipated minor.

An existing household member may not be approved as a Live-in Aide.

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A Live-In Aide may have a spouse/partner and/or children added to the unit with PHA approval as long as they continue to meet occupancy standards. The bedroom size will not increase for the Live-In Aide spouse/partner and/or children.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements of a live-in aide as stated above.

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program or assisted unit:

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

- Live-in aides are not subject to non-Citizen Rule requirements.
- Live-in aides are not considered a "remaining member" of the tenant family and have no rights to the assisted unit. For example, if the head of household is the only other family member and he or she dies, the live-in aide will not "inherit" the assisted unit.

A live-in aide may only reside in the unit with the approval of AHA. Written verification of the need for a live-in aid will be required from a reliable, healthcare professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly (62 years of age or over), near-elderly (50-61 years of age) or disabled. A specific live-in aide may only reside in the unit with the approval of AHA. The live-in aid will be subject to the AHA's normal screening criteria and AHA may deny the live-in aid if he or she fails to meet such criteria.

After a reasonable accommodation (RA) request for a live-in aide is approved by AHA, AHA will send the family a letter. This letter will inform the family that they must submit a written request to add a live-in aid within 120 days of the letter of approval. If the family fails to request to add the live-in aide during this 120-day time period, the request will become void. If the family still requires the accommodation of a live-in aide, they must restart the process by submitting a new RA request for a live-in aide.

If the live-in aide or his or her family members participate in drug-related or other criminal activity, AHA will rescind the aide's right to occupy the unit. The aide will not be entitled to the AHA's grievance hearing process since he or she is not an resident of the assisted unit.

An individual approved as a live-in aide may not receive a subsidy from any other Federally Assisted Program or PHA while residing with the assisted resident as a live-in aid.

A person who owes a debt to any PHA may not be approved as a live-in aide.

A live-in aide has no residual rights to the unit in the event the head of household or other adult family members decides to move out of the assisted unit. (e.g. if the resident is terminated or evicted from the assisted unit).

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Fair Housing Act Amendments of 1988 **and Title VI of the Civil Rights Act of 1964.**

a. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD.
b. The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. It applies to housing, regardless of the presence of federal financial assistance.
c. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

FAIR HOUSING AND EQUAL OPPORTUNITY

The U.S. Housing Act of 1937 authorized local Public Housing Agencies (Public Housing Authorities/PHAs) to be established by individual states. To affirmatively further Fair Housing, AHA is committed to full compliance with applicable civil rights laws, AHA will provide federal/state/local information to residents/applicants regarding discrimination and any recourse available to them if they feel they have been discriminated against. Such information will be made available in AHA management offices and in the initial leasing packets. It will include information for applicants on how to file a fair housing complaint, including the provision of the toll-free number for the Fair Housing Complaint Hotline, 1-800-669-9777 and the Federal Information Relay Service at 1-800-887-8339.

Except as otherwise provided in 24 CFR **§§** 8.21(c)(1), 8.24(a), and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because AHA management's facilities are inaccessible to or unusable by persons with disabilities.

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes.

Complaints under the Equal Access Final Rule [Notice PIH 2014-20]

Notice PIH 2014-20 requires an articulated complaint process for allegations of discrimination under the Equal Access Final rule. The Equal Access Final Rule requires that PHAs provide equal access regardless of marital status, gender identity, or sexual orientation. The PHA will be informed on these obligations by the HUD Field Office or FHEO when an Equal Access complaint investigation begins.

Affirmatively Furthering Fair Housing (AFFH)

Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.

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Describe fair housing strategies and actions to achieve the goal

When it is reasonable, the PHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to

- Permitting applications and reexaminations to be completed by mail
- Providing "large print" forms
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a PHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities and would not be otherwise living in the unit.
- Providing a designated handicapped-accessible parking space
- Allowing an assistance service animals
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff
- Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair A person with a disability may require special accommodation in order to have equal access to the public housing program.

The types of reasonable accommodation AHA can provide include changes, exceptions, or adjustments to rules, policy, practice, or service.

POLICIES RELATED TO PERSONS WITH DISABILITIES

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first contact with an interested family and continues through every aspect of the program.

AHA will display posters and other housing information and signage in locations throughout the AHA's management office in such a manner as to be easily readable from a wheelchair.

DEFINITION OF REASONABLE ACCOMMODATION

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the assisted units at HCA. For example,

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reasonable accommodation may include making home visits for the recertification process, or having a preference for an accessible dwelling unit, when available.
Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for AHA or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When needed, AHA will modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail or electronically
- Conducting home visits
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with AHA

REQUEST FOR ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that AHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
The family must explain what type of accommodation is needed to provide the person with a disability full access to the AHA's programs and services.
If the need for accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

VERIFICATION OF DISABILITY

The definition of a person with a disability for the purpose of obtaining reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.
Before providing accommodation, AHA must determine that the person meets the definition of a person with a disability and that the accommodation will enhance the family's access to the AHA's programs and services.
If a person's disability is obvious or otherwise known to the AHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
If a family indicates that a accommodation is required for a disability that is not obvious or otherwise known to the AHA, AHA must verify that the person meets the definition of a person with a disability and that the limitations imposed by the disability require the requested accommodation.
When verifying a disability, AHA will follow the verification policies provided within this Tenant Selection Plan. All information related to a person's disability will be treated in accordance with the confidentiality policies. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

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- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]
- AHA must request only information that is necessary to evaluate the disability-related need for the accommodation. AHA will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that AHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, AHA will dispose of it. In place of the information, AHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

APPROVAL/DENIAL OF REQUESTED ACCOMMODATION

[Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26].

AHA must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on AHA, or fundamentally alter the nature of the AHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

Before deciding whether to approve the request, AHA may enter into discussion and negotiation with the family, request more information from the family, or may request the family to sign a consent form so that AHA may verify the need for the requested accommodation.

PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require AHA to ensure that persons with disabilities related to hearing and vision have reasonable access to the AHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, AHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

To meet the needs of people with hearing impairments, TTD/TTY (text telephone display/teletype) communication will be available.

To meet the needs of people with vision impairments, large-print and audio versions of key program documents will be made available upon request.

PHYSICAL ACCESSIBILITY

AHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

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- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding, and exercising important rights, complying with applicable responsibilities, or understanding other information provided by AHA. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register.*
LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

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CHAPTER 2 APPLICATIONS AND WAITING LIST

A. APPLICATION PROCESS

All persons interested in residing at Hobson City Apartments may request an application in person at the management offices, 500 Glen Addie Avenue, Anniston, AL 36201, during their normal office hours. Applications may also be requested and submitted via US Postal mail and on our website at www.annistionhousing.org using the Applicant Portal. Applications will be continually available even when a sizable waiting list may exist. The property application form must be used as it contains the request for all information necessary to determine initial eligibility.

An application must be completed and submitted in its entirety All applications will be date and time stamped when placing on the waiting list. Any information that is not applicable should be marked N/A. Information left blank will be considered incomplete. All necessary verification forms must be signed by the applicant. It is the policy of AHA to assist applicants with completing the application whenever possible, especially in the case of a reasonable accommodation request. Any application that is not completed in its entirety will be notified, in writing, with an itemization list of documents or information needed to complete the application. In the event that apparent discrepancies are on the application, the applicant will be contacted within fourteen (14) days of receipt of application to schedule a meeting to discuss the necessary items to complete the application. During the application process, the Property Manager will meet with the applicant and all prospective members of the household to review the application. Exceptions may be made for household members who are absent for an extended period due to military service, deployment, or employment. If necessary to accommodate persons with disabilities or other impairments, a meeting may take place at another location other than the business office(s).

B. THE APPLICATION WAIT LIST

a. Opening the Wait List

AHA management will monitor the vacancies and the waiting list on a regular basis to ensure that there are enough applicants to immediately fill vacancies. The HCA waiting list will continuously be open for new applications. However, applicants must contact HCA every six (6) months to provide their current contact information and express interest in remaining on the waiting list.

When AHA opens the waiting list to accept applications, the notice will be announced in a publication likely to be read by any potential applicants. The notification will be extensive and explain the application process.

AHA will provide advertisement marketing notices for the application process. The notice will contain:

- The dates, times, and locations where families may obtain a pre-application or how to sign up online;
- A brief description of the unit's availability and the approximate wait time.
- Advertisement and outreach activities as described in the Affirmative Fair Housing Marketing Plan

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b. Closing the Wait List

HDC management will advise if the waiting list may close for one or more-unit sizes when the average wait is excessive (i.e. one year or more).

When the HCA closes the waiting list, the HCA must advise potential applicants that the waiting list is closed, and no applications will be accepted.

If HCA decides to no longer accept applications, the AHA must publish a notice to that effect in a publication to be likely to be read by any potential applicants. The notice must state the reasons for the owner's closing of the application process.

c. Purging the Wait List

The waiting list will be purged periodically by mailing and emailing a notice sent to all applicants to ensure that the waiting list is current and accurate. The notice will request current information and confirmation of continued interest in HCA property.

During the application process, the applicant must contact the HCA management every six months in order to stay on the waiting list. When HCA management decides to purge the waiting list, notification will be sent to applicants using their last known address on the application advising that they have fifteen (15) days from the date of the notification to respond to continue placement on the waiting list. Should the applicant do not respond to the purge letter, they will be removed from the waiting list and will be required to reapply at a future date.

If the family provides proof that their mail was returned by the U.S. Postal Office or was due to an error of HCA property management, the Postal Service, or there are other mitigating circumstances acceptable to HCA management, the applicant will be reinstated.

C. ELIGIBILITY

HCA management will make a preliminary eligibility determination before entering the application on the waiting list.

- The HCA management will review the application to ensure that there are no obvious factors that would make the applicant ineligible.
- If a preliminary eligibility screening indicates that a family is eligible for tenancy, but units of the appropriate unit size are not vacant, the HCA management will place the applicant on the waiting list for the property and notify the applicant when a suitable unit becomes available. A final eligibility determination is made at the time the unit becomes available.

Using this framework will allow HCA management to avoid performing the eligibility determination twice before admitting the applicant to the property, but the result may be that applicants placed on the waiting list may ultimately be found to be ineligible.

If the preliminary screening indicates that a family is eligible for tenancy, but the social security numbers (SSNs) have not been disclosed and verification of the SSN provided by the applicant and all of the applicant's household members, the owner must place the family on the waiting list

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and notify the applicant when a suitable unit becomes available. However, the applicant must disclose and provide verification of the SSNs for all household members before they can be admitted to HCA.

Alternatively, HCA management may choose to place applicants on the waiting list after making a more in-depth eligibility determination. If a property's waiting list is short, this approach can be good practice to help place applicants quickly when they reach the top of the waiting list. However, if an applicant remains on the waiting list for an extended period of time, the HCA management will have to complete another full determination once the applicant reaches the top of the waiting list.

If an applicant is otherwise eligible for tenancy but no appropriate size exists in the property, the owner must reject the application.

Applicants who are not eligible for tenancy must be rejected.

a. INCOME LIMITS

The applicant's annual income must not exceed program income limits at the time of move-in and initial certifications. A household does not need to have income to be eligible for assisted housing programs that provide rental assistance through an assistance contract.

A household who meets the income requirements as set forth by HUD program guidelines, the occupancy requirements for the property, and the HCA management's tenant selection criteria requirements.

50% Income Household: A household whose combined and verifiable income is equal to or less than an amount determined by HUD program guidelines based on the number of individuals in the household. The 50% income amount is calculated as 50% of the area median income limit based on the family size.

60% Income Household: A household whose combined and verifiable income is equal to or less than an amount determined by HUD program guidelines based on the number of individuals in the household. The 60% income amount is calculated as 60% of the area median income limit based on the family size.

Income Targeting

In accordance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA), HCA will admit families who are extremely low income to meet the income-targeting requirement. Income targeting requirement does not apply to low-income families continuously assisted as provided for under the 1937 Housing Act.

HCA must not lease less than 40% of the dwelling units to *extremely low-income* (ELI) families using the published income limits when selecting applicants to fulfill the income-targeting requirements.

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b. CREDIT HISTORY

For purposes of renting a unit at HCA, any one or more of the following constitutes negative credit history for an applicant:

- Chapter 7 Bankruptcy within the past 7 years
- Chapter 11 or 13 Bankruptcy within the past 12 months or missing/late two (2) or more payments within any 12 months' timeframe.
- Late payment history for any (one or more) single account indebtedness. Late payment history is constituted by at least three 30–59-day late payments or at least one 60 or more-day late payments within the past 24 months. Applicants may reapply when these are cleared from their record.
- Repossession or foreclosures of any kind.
- Unpaid rent owed to or late rental payment history form any prior landlord/owner.
- Any unremedied suitability issues from a prior landlord/owner.

Exceptions:

- If a spouse is in process of legal separation or divorce (with verified written proof of retention of an approved legal representative) or is legally separated or divorced or widowed, the individual's credit would only be reviewed if poor joint credit history was proved to be out of the control of the applicant.
- Long term illness or injury creating high medical bills may be considered an exception provided written documentation can be obtained showing that it was beyond the applicant's control.
- Any instances that involve the Violence Against Women's Act (VAWA). See chapter 7 on VAWA.

c. HEAD OF HOUSEHOLD STUDENT ELIGIBILITY

If the head of household or co-head of household is a student, the following criteria must be met in order for the student head of household to be considered eligible:

- The student must be of legal contract age under the State law.
- The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student.
- The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
- The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance is provided. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at annual recertification to determine rent.

Independent Student:

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

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- Be at least 24 years old by December 31 of the award year for which aid is sought
- Be an orphan or a ward of the court through the age of 18 years old
- Be a veteran of the U.S. Armed Forces
- Have legal dependents other than a spouse
- Be a graduate or professional student
- Be married

d. CRIMINAL HISTORY/BACKGROUND SCREENING PIH Notice 2025-26 & 2025-05
Mandatory denial of admission:

- HUD regulation requires that prospective individuals must not be admitted to HUD programs in an individual:
- Has be previously evicted from Federally Assisted housing within the past three (3) years for drug-related criminal activity.
- Is currently engaged in the illegal use of drugs or if such drug use reasonably would cause a threat to the safety of the individuals living in a property.
- Has been convicted of producing methamphetamine in Federally Assisted housing.
- Is subject to a lifetime Sex Offender list.
- Has a history of alcohol abuse that a responsible entity reasonably believes threatens health, safety or right to peaceful enjoyment of the property.

e. CITIZENSHIP/IMMIGRATION STATUS REQUIREMENTS
All members of the applicant household must provide proof of citizenship. Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of HUD from making financial assistance available to persons other than U.S. citizens or national, or certain categories of eligible non-citizen, in the following HUD programs:

- Section 8 Housing Assistance Payments programs
- Section 236 of the National Housing Ace including rental assistance payments (RAP)
- Section 101 / Rent Supplement Program

Persons who have applied for, or are applying for, assistance under one of these programs are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each household member for whom assistance is being sought.

All applicant households must do the following:

1. Complete a Family Summary Sheet to list all family members who will reside in the assisted unit.
2. Each family member listed on the Family Summary Sheet must complete a Declaration.
3. Submit the Family Summary Sheet, the Declarations, and any other forms and/or evidence to the site manager at their office within 14 days.

This Section 214 review will be completed in conjunction with the verification of other aspects of eligibility for assistance. If the applicant has questions or difficulty completing the described items or determining the type of documentation required, they may contact the site manager for assistance.

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If the applicant is unable to provide the required documentation in the timeframe described above, they should immediately contact the site manager and request an extension, using the block provided on the Declaration Format. Failure to provide this information or establish eligible status may result in rejection of their application for housing assistance.

If the Section 214 review results in a determination of ineligibility, the applicant will have an opportunity to appeal the decision. If the final determination concludes that only certain members of the household are eligible for assistance, the family may be eligible for pro-ration of assistance. This means that when assistance is available, a reduced amount may be provided to the family based on the number of members who are eligible.
If assistance becomes available and the other aspects of the eligibility review show that the family is eligible for assistance, that assistance may be provided if all household members have submitted the required documentation and at least one member of the household has been deemed eligible. Following verification of the documentation submitted by all family members, assistance may be adjusted depending on the immigration status verified.

D. WITHDRAWN APPLICATIONS

All applicants must complete the application in entirety. If the applicant fails to meet the requirements to complete the application within the time specified, the application will be considered withdrawn. The applicant will be notified as such with an invitation to reapply at any time. Any such “re-application" would begin an entire new application process separate and distinct from the prior application. The new application would receive a new date and time stamp received.

An applicant may contact HCA management by telephone, email, or written letter to request their application be withdrawn at any time during the application process, even upon approval of the application. HCA management would then confirm their decision to be withdrawn by writing to the applicant.

An approved applicant that fails to reply to HCA management within the allotted time frame allowed for the approval letter will be withdrawn. Should the approved applicant wish to reapply after the allotted time frame, a new separate, and distinct application process will start again.

a. Rejection (Disapproval)

If any member of the applicants household who is expected to reside in the apartment is determined to fall within one or more of the following categories, the household will be rejected from admission. However, reconsideration may be given to favorable changes in the household’s pattern of behavior, a lapse of years since occurrence of an offense and to other extenuating circumstances.

Income

- The applicant’s household income exceeds the HUD income limits for the property.
- The applicant’s household income is not sufficient to meet (pay) their current living expenses inclusive of their projected rent and utility allowance at the property.

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Occupancy

- The applicant's household size exceeds the maximum allowable occupancy standards for the property.

Applicant/Management Meetings

- The applicant fails or refuses to attend required meeting.
- The applicant provides false information at the meeting.

False Information

- The applicant provides false answers or information or makes any other misrepresentation at any time during the application process.

Credit

- The applicant has negative credit history as defined by this policy.
- The applicant has a balance due to this or any other rental property.
- The applicant has a late rental payment on non-payment rent history as defined by this policy.

Rental History

- The applicant has "skipped out" of a previous housing unit without fulfilling their lease obligations.
- The applicant has been evicted from a previous housing unit.
- The applicant or prior guests have been intentionally destructive to a previous housing unit, including the public areas.
- The applicant has had past evidence of any unauthorized persons living in their housing unit.
- The applicant has had past evidence of being disruptive to the community life of a previous housing property or development.
- The applicant has had past evidence of inadequate control and supervision of children and/or any other person under the applicant's charge and responsibility.
- The applicant has had past evidence of unauthorized alterations to a previous housing unit which created an unsafe condition or caused damage.
- The applicant has had past evidence of unauthorized redecoration to a previous housing unit.
- The applicant has had past evidence of unauthorized use of a previous housing unit.
- The applicant has had any other negative landlord reference not covered in Section A through I.

Housekeeping History

- The applicant has had past evidence of "poor" housekeeping habits which constitute an unsanitary living condition (example-excessive accumulation of garbage, trash, dirty dishes, foul odors, or general filth)
- The applicant has neglected to report needed maintenance to management in a previous housing unit.

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- The applicant has housed gas-driven machinery (i.e. motorcycle, lawn mower, engines, etc.) in a previous housing unit.
- The applicant has had past evidence of damage to a previous housing unit. Damage may be intentional or unintentional and is defined as that which is above normal wear and tear caused or created by the inhabitants of a housing unit inclusive of children and guests and is constituted by one or more of the following:
    a. Wall/Ceiling Damage – holes, punctures, graffiti, crayon, writing, coloring, etc.
    b. Flooring – (Carpet/Vinyl) damage: teargas, holes, stains, burns, etc.
    c. Fixtures – (light, appliances, plumbing, window covering) damages, destruction, breakage, missing, etc.
    d. Doors (interior/Exterior) – door jambs, door knobs, screens, window damage: holes, punctures, burst, broken, cracked, torn, missing, etc.
- The applicant has had past evidence of failing to properly use the facilities, services, appliances, or equipment within a previous housing unit or development.

NOTE: This category does not include households whose housekeeping is superficially unclean or lacks orderliness, where such conditions do not create a health and safety problem, do not result in damage to or deterioration of the premises, and do not adversely affect the peaceful occupancy of neighbors.

Personal References

- The applicant has at least one negative personal reference.

Police References/Criminal Activity

- The applicant has a negative police reference.
- The applicant has been engaged in any criminal activity which involved crimes of physical violence to persons or property, or the nature of which would be determined to the safety or welfare of other tenants, or their peaceful occupancy of the premises. Examples of such are murder, burglary, robbery, theft, rape, prostitution, indecent exposure, sodomy, carnal abuse, impairing the morals of a minor, drunk driving involving damage to others, and possession of or trafficking any illegal substances or goods, or any other crime of moral turpitude.
- The applicant has had a felony conviction or has a pending felony charge.
- The applicant has any one arrest, other than minor traffic violations, which is currently pending trial.
- The applicant is currently using illegal drugs or has been convicted for drug manufacture, sale, or distribution.
- The applicant has had a drunk or disorderly or disturbing the peace violation.
- Drug or alcohol Addiction or Abuse – The applicant has had past evidence of confirmed drug addiction or drug abuse. In cases where the individual(s) is undergoing treatment by a professional agency, they shall not be considered ineligible if such agency confirms in writing that they are rehabilitated or are in the process of rehabilitation.

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Violent Behavior

- The applicant has had past evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.

Health and Safety

- The applicant would pose a direct threat to the health and safety of others or the property.

Refusal to Sign Verification Releases

- The applicant refuses to sign releases to allow verification of HUD and complex eligibility, references, etc.

Applicants would never be rejected arbitrarily such as on the basis of race, color, religion, sex, handicapped status, age, familial status or national origin. Applicants who do not possess legal capacity to sign documents could not become tenants or co-tenants.

Any rejection would be issued in a written statement to the applicant advising of the right to a grievance hearing and information concerning the Violence Against Women Act (VAWA). This document shall be posted in the property management office and made available for applicants to review.

E. OWNER ERROR IN REMOVAL OF APPLICANTS

If HCA management remove an applicant from the waiting list in error, management will send a notification to the applicant explaining the error and place the applicant back on the waiting list with the original date and time stamp of application.

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

(24 CFR §982.201)
After the verification process is complete, AHA will make a final determination of eligibility. Applicants will be selected chronologically for this property, in accordance with HUD program guidelines. The policy of management is to consider all income and assets, but the applicant's income must be sufficient to meet their current living expenses, inclusive of their projected rent, and appropriate utility allowance.

Applicants indicating the need for and requesting the features of wheelchair adapted or other handicap units have priority for those units (if any). All units are constructed in accordance with Section 504 accessibility guidelines. At the request of applicants, reasonable accommodation will be made for modifications necessary in accordance with Section 504 guidelines.

In order to be eligible for selection, an applicant must meet HUD income eligibility based on per person income limits. Those section 8 ineligible will be denied housing. Applicants meeting HUD eligibility must then meet occupancy standards set for the property and bedroom size.

All households must provide positive identifications of all persons who will be part of the household. Copies of drivers' license and social security cards for all members of the household must be provided. Social Security Numbers (SSN) of all Family Members; Families are required

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to provide SSNs for all family members prior to admission. All members of the family defined above must provide an original valid social security card.

- Prior to being added to the lease (newborns/adoptions/etc.) the head-of-house must provide an original valid card.

All income of each member of the household must be included in determination of eligibility income for the household.

In addition to HUD and occupancy policy requirements, applicants must also meet application and reference criteria. In completing the application, all applicants must sign a release form allowing management to verify all income and assets along with credit, personal and landlord references. In addition, AHA management would be authorized to check with other agencies necessary to verify eligibility. During processing, all applicants are required to have a personal meeting with the site management. After processing and the meeting has been completed, an eligible applicant will receive a notice of approval. Applicants who wish to be a tenant or co-tenant must possess the legal capacity to sign all documents, (unless an accommodation determination for the handicapped is made to allow guardian signature if otherwise eligible), and would have to agree to complete the tenant certification in process, enter inspection prior to physical occupancy of the unit.

All applicants and persons who are later added to the household are required to disclose their social security numbers (SSN), except for the following individuals:

1. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for an SSN.
2. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot be housed.
3. A family that consists of two or more household members and at least one household member with eligible immigration status, is classified as a mixed family and is eligible for prorated assistance in accordance with 24 CFR §5.520. The PHA may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
4. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD have determined the SSN to be valid.
5. Existing program participants as of January 31, 2010, who are 62 years of age or older, had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

SSN Documentation:
Acceptable evidence of the SSN consists of:

- An original SSN card issued by Social Security Administration (SSA);
- An original SSA-issued document, which contains the name and SSN of the individual; or
- An online printout from the SSA website; or

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- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

Individuals without an assigned SSN:
Some individuals do not have an SSA-assigned SSN. Below is a list of such individuals, which is not all-inclusive:

- Newborn children (these individuals will be issued an SSN upon SSA confirmation of a birth);
- Non-citizens lawfully present in the U.S. (these individuals will be issued an SSN upon SSA's confirmation of the individual's DHS/USCIS documentation or confirmation that the individual is required by law to provide a Social Security number to receive general assistance (GA) benefits they already have qualified for);
- Non-citizens unlawfully present in the U.S. (these individuals cannot be assigned an SSN);
- AHA will require citizens and lawfully present non-citizens who state that they have not been assigned an SSN by the SSA to sign a written declaration of such status under the penalty of perjury to AHA. AHA should maintain the declaration in the tenant file.

The application packet must include the Supplemental Information to Application for Assistance form. HUD form 92006. Those applicants who choose not to provide the contact information should check the box indicating that they "choose not to provide the contact information" and sign and date the form.

Application and Forms
Applicants, including all adults in their households, are required to sign the HUD Form 9887 and 9887a, "Consent for the Release of Information" prior to receiving assistance and annually at the recertification. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD and AHA will release family information. AHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

AHA will maintain all accommodation records in a confidential manner. Under federal privacy laws, AHA is required to keep confidential any personal information about an applicant or tenant obtained in a confidential manner or from a confidential source.

Per HUD Guidelines at 24 CFR §5.212 (Compliance with the Privacy Act and other requirements), the PHA adheres to the following practices and procedures that are designed to safeguard the privacy of applicants and program participants:

- All applicant and resident files are stored in a secure location, which is only accessible to authorized staff.
- Files are never left unattended in common areas.
- AHA staff will not discuss family information contained in files unless it is related to the enforcement of the program.
- AHA staff will be required to disclose whether they have relatives living in the PHA housing or receiving assistance from PHA housing programs.
- AHA staff will disclose information to third-party contacts with the proper release of information from the client and with the client's consent.

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CHAPTER 3 GENERAL LEASING POLICIES

A. LEASE AND TENANCY ADDENDUM

This chapter defines both HUD and AHA's criteria for admission and denial of admission to the program. The policy of this PHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The AHA staff will review all information provided by the family carefully and without regard to factors other than those referenced in this chapter. Families will be provided with the opportunity to explain their circumstances, furnish additional information if needed, and to receive an explanation of the basis for any adverse decision made by the PHA pertaining to their eligibility.

All units must be occupied pursuant to a lease that complies with HUD's regulations. At a minimum the lease shall be signed by the head, spouse, prior to actual admission. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:

- A new lease agreement will be executed,
- A Notice of Rent Adjustment (lease addendum) will be provided, or
- A replacement first page to the lease agreement will be executed with the original lease date.

Residents will be given the opportunity to designate alternative contact points at Leasing and at Reexamination (see Form HUD-92006). Residents should advise AHA, in advance, if they will be absent from the unit for more than 14 days. The lease requires them to notify the AHA by the fifth day of the absence. Residents should notify the manager, secure the unit and provide a means for AHA to contact the resident in an emergency. Failure to advise the AHA of extended absence is grounds for termination of the lease.

B. SECURITY DEPOSITS

A security deposit shall be made pursuant to a schedule posted in the AHA office. Security deposits may be refunded as provided in the Lease and in this procedure. Any balance of the security deposit shall be returned by mail to the former resident as defined in the lease and by state law. A detailed statement of all charges (rent, late fees, damages, etc.) made against the security deposit will be included and mailed within 60 days to the last known address of the resident. No security deposit shall be returned until keys to the unit have been returned to the AHA management. All security deposits for pets shall be made in accordance with the AHA pet policy. There is no interest accrued or paid in any security deposit refunds, if any. The tenant will have 90 days to deposit or cash check.

AHA management will hold this security deposit for the period the Tenant occupies the unit. After the Tenant has moved from the unit, the Landlord will determine whether the Tenant is eligible for a refund of any or all the security deposit. The amount of the refund will be determined in accordance with the following conditions and procedures.

After the Tenant has moved from the unit, the Landlord will inspect the unit and complete another Unit Inspection Report. The Landlord will permit the Tenant to participate in the inspection, if the Tenant so requests.

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C. INSPECTIONS

AHA and the Tenant or a representative of the Tenant shall inspect the premises prior to commencement of occupancy by the Tenant. The Landlord will furnish the Tenant with a written statement of the condition of the premises, and the equipment provided with the premises. The Landlord shall inspect the premises when the Tenant vacates the premises and furnishes the Tenant with a statement of any charges to be made in accordance with Section IV. (K) of this lease. Tenant shall be provided an opportunity to participate in the termination inspection unless the Tenant has vacated the premises without notice to the Landlord.

AHA may enter the premises under the following conditions:

Upon written notification stating the intended time and purpose of the entry delivered or posted on the primary door of the premises in advance at least two (2) calendar days or more, be permitted to enter the premises during reasonable hours for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the premises for re-leasing. Provided, however, the AHA and the Tenant may agree by separate agreement that AHA may enter the unit for any reasonable purpose (pest control, inspection, preventive maintenance, etc.) whatsoever during business hours without any further notice.

Landlord may enter the premises at any time without advance notification pursuant to a court order, the landlord has reasonable cause to believe the tenant has abandoned or surrendered the premises, or when there is reason to believe an emergency exists.

Tenant may agree by separate agreement that request(s) for maintenance constitutes permission to enter the unit at reasonable times.

In the event Tenant and all adult members of the household are absent from the premises at the time of entry, Landlord shall leave a notice specifying the date, time and purpose of entry prior to leaving the premises.

If a tenant refuses to allow lawful access, the landlord may obtain injunctive relief to compel access or terminate the dwelling lease. In either case, the landlord may recover actual damages.

D. HOUSEKEEPING POLICY

AHA management will complete a home visit during the dwelling lease term to comply with housekeeping requirements that would create health or sanitation problems. Staff completing the home visit will consider whether the conditions they observe are the result of the resident(s) treatment of the unit or are caused by the unit's overall substandard condition.

a) Housekeeping criteria to be checked shall include, but not be limited to:

- Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls, and yard (if applicable);
- Cleanliness in each room; and
- General care of appliances, fixtures, windows, doors and cabinets.

Other: AHA lease compliance criteria will also be checked, such as:

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- Evidence of destruction of property;
- Unauthorized occupants;
- Evidence of criminal activity; and
- Conditions inconsistent with application information.

HCA property management will conduct monthly housekeeping inspections for a percentage of the property units.

E. WORK ORDERS AND MAINTENANCE

HCA residents may place preventive maintenance workorders by calling the AHA maintenance unit at 256-831-9933 and emergency on-call maintenance work orders at 256-236-6741. This information should be posted at the onsite HCA management office.

Maintenance Charges

Maintenance charges cover only replacement necessitated by tenant abuse or neglect. Replacement requirement because of ordinary wear and tear shall be at the management expense. In cases where the cost of repair is greater than the cost of replacement, the replacement cost shall apply. In certain instances, life cycle has been established, and in these instances, the resident shall be charged on the basis on the unused period.

Any maintenance work order chargeable to a resident shall be plainly marked with the word "Resident Charge" across the order. This will be done either by the office staff, or in some cases by the maintenance staff member when returning the work order after completion and charges will be posted to the resident's account.

Any maintenance work order chargeable to a resident shall be plainly marked with the word "Resident Charge" across the order. This will be done either by the office staff, or in some cases by the maintenance staff member when returning the work order after completion and charges will be posted to the resident's account.

Uniform Service Charge Schedule (Labor = $35.00/hour)

Charge Description	Cost to Tenant
Plugged Toilet/Drains	$25.00/hour (Labor) after hours $40.00/hour plus material
Lock Outs Key Charge 11/30/23 Change Locks	After hours $35.00 Door/Mailbox key from $10.00 to $20.00/$1.50Unit lock (Material + Labor Cost)/ Mailbox lock (Material + Labor Cost)
Smoke Alarms	Materials + Labor $50.00 fine for inoperable smoke alarms (This includes removal of battery, disconnected or intentionally removing smoke alarm)
Cleaning of Dwelling Equipment or Extra Cleaning	See: Cleaning Table

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Damage to Dwelling Unit and or Equipment (including countertops, range, heater, fridge, etc.)	$25/hour + Material
Painting Charges	See: Paint table
Glass Replacement	$25/hour + Materials
Blind Replacement	Months: 1-12 100% of actual cost 13-24 80% of actual cost 25-36 60% of actual cost 37-48 40% of actual cost 49-60 20% of actual cost
Fire Damage-Insurance Deductible or Repair Cost	100% of actual cost and/or insurance deductible
Replacement of Refrigerators/Stoves	The percentage of time remaining on the life of the appliance will determine the amount charged to the resident. The life expectancy of refrigerators & stoves is 10 years. The replacement cost of the appliance will be charged on a prorated basis for the remaining life of the appliance.

Cleaning Table

CLEANING CHARGES: These charges cover cleaning necessitated by Resident neglect.

ITEM	LIGHT	MODERATE	EXCESSIVE
Stove	$25	$50	$100
Refrigerator	$25	$50	$100
Bathrooms	$25	$50	$100
Floors	$25	$50	$100
Blinds	Replacement	Cost	RC
Wallpaper/Wrong Paint color	Labor	+	Material
Trash	$25	+	Labor

Paint Charges

Where the need for painting all or part (including "touch up") of a unit in advance of the normal cycle is due to abuse or neglect, the responsible party shall be charged a prorated share of the direct cost of painting. All painting charges must be explained in detail.

Months since last painted (% of resident responsibility)

Months: Percent:	0-6 100%	7-12 85.5%	13-18 75%	19-24 62.5%	23-30 50%	31-36 37.5%	37-42 25%	43-48 12.5%
Living Room (complete)	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost

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Living Room (wall only)	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost
Bedrooms - each (complete)	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost
Bedrooms - each (wall only)	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost
Kitchen (complete)	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost
Bathroom	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost	Direct cost

Schedule of Normal Wear & Tear

Item	Life/Years
Blinds	**5 years**
Refrigerator	**10 years**
Stove	**10 years**
Interior Paint	**4 years**
Tile	**10 years**

This schedule should be used if any of these items need to be replaced due to RESIDENT DAMAGE. Please use the percentage of time remaining in the life of the time to determine the amount to claim from the Housing Authority.

Example: A stove in a unit needs to be replaced after 5 years due to resident damage. The equation to determine the amount to claim from the Housing Authority is as follows:

5 years (time remaining in the life of the stove) divided by 10 years = 50% of replacement cost of the item = amount allowed to claim from the Housing Authority.

F. PET POLICY

AHA has adopted a pet policy for use in all AHA properties. All Residents must comply with this pet policy. FAILURE TO COMPLY WITH THE PET POLICY WILL BE CONSIDERED A SERIOUS BREACH OF THE LEASE.

Service or Assistance Animals

Residents of HCA with disabilities are permitted to have assistance with animals, if such animals are necessary as a reasonable accommodation for their disabilities. HCA residents or potential residents who need assistance with animals as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy. Assistance animals are not subject to the requirements of AHA's Pet Policy.

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G. PARKING POLICY

All HCA residents must have their vehicles properly registered with current tags. Improper registered and untagged vehicles may be subject to towing.

Residents must park motorized vehicles only in designated parking areas and never on grassed areas; not to display vehicles for sale; not to grease, change oil, wash, or make major repairs to such vehicles; not to leave or park motorized vehicles in an inoperative condition.

H. GUESTS POLICY

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to so consent. The requirements of the lease apply to a guest as defined.

A guest can remain in the assisted unit for no longer than 30 consecutive days or a total of 90 cumulative calendar days during any 12-month period.

Children who are subject to joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the assisted household more than 50 percent of the time, are not subject to the time limitations of guests as described above.

A family may request an exception to this policy for valid reasons (e.g., the care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Tenants are responsible for the actions of their household, their guests, and visitors. Any tenant, including the members of their household, guests, or visitors will be considered in violation of the lease if found smoking in any Housing Authority facility or apartment, or anywhere on Housing Authority property that is deemed as a nonsmoking area. Visual observation of smoking is not necessary to substantiate a violation of this Smoke Free Housing Policy.

For example, the presence of smoke, tobacco smoke odor, or smoke stains within an apartment in combination with butts, ash trays, or other smoking paraphernalia will be considered significant evidence of a policy violation. In addition, tenants will be responsible for all costs to remove smoke odor or residue upon any violation of this policy.

- Guests will refrain from destroying, defacing, damaging, or removing any part of the premises or project;
- Guests will act, in a manner which will not disturb other Tenants' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition;
- a guest, shall not engage in:
    - Any criminal activity on or off the Landlord’s premises that the Landlord determines may interfere with or threaten the health, safety, or right to peaceful

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enjoyment of the premises by other Tenants, employees of the Landlord or any other person lawfully on the Landlord's premises
- Engage in on the premises by any other person under the tenant's control in which the Landlord determines that a tenant, guest, or other person under the tenant's control is illegally using a controlled substance
- Alter the smoke detector

I. BED BUG POLICY

The Bed Bug Policy-HUD regulations require the residents' cooperation in order to successfully eliminate the presence of bed bugs. Therefore, it is the resident's responsibility to call in a work order as soon as the presence of bed bugs is suspected. This will allow AHA to address the potential infestation at its onset and before it affects other residents.

Bed bugs are a growing national problem, and as a result, this policy has been created for the Public Housing and Multifamily programs. The purpose of this policy is to set forth the roles and responsibilities of all parties (AHA, and Resident) in minimizing the potential for bed bugs. The policy will also provide guidance in cases where bed bugs are present in order to eliminate them as quickly as possible.

Bed bugs are difficult to contain without the proper treatment. Therefore, it is imperative that all parties (AHA, Resident, and Landlord) work simultaneously toward a common goal, extermination and elimination. Left untreated bed bugs can spread throughout a residence affecting current and future residents.

Resident Roles and Responsibilities:

The resident is required to keep the unit and its premises free from damage. Therefore, if the presence of bed bugs is suspected, it is the resident's responsibility to notify the property management, AHA immediately in order to minimize any potential damage to the unit. In addition, it is the responsibility of the residents to work cooperatively with AHA and/or extermination professionals to ensure the successful elimination of bed bugs. Resident non-compliance may result in a violation of the dwelling lease agreement.

Bed Bug Management Plan
Prevention Tips

- Wash all bedding regularly in hot water. The water should be at least 120 degrees.
- Use bed bug encasements on all mattresses and box springs.
- Check your own bed for bed bugs from time to time. Catching them early will make bedbug treatment easier if bed bugs do occur.
- Vacuum floors regularly. Use the brush tool of your vacuum to vacuum your mattress. Use the crevice tool to vacuum crevices in the mattress and your baseboards.
- Clean up clutter to reduce hiding spots.
- Caulk holes in floors and walls.
- When purchasing secondhand clothing, place all garments in a sealed bag until they can be washed and place in a dryer on high heat for 15 to 30 minutes.

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- If you purchase used furniture, examine it for bed bugs. Pay special attention to used mattresses and bed frames.
- When traveling, check your room for signs of bed bugs such as bloodstains on the pillows or linens. Inspect mattress seams, look behind headboards and pictures. If you suspect you may have brought bed bugs home, place infected items in the dryer or freezer.
- After you return from a trip, check your luggage for insects that might have hitched a ride.

Bed Bug Management Plan
Exterminator Selection Tips

The information listed below is from the New York Times article "Sleeping with the Enemy (Bed Bugs)." Please note that the information listed is provided as a reference only. If the presence of bed bugs is suspected, immediate action should be taken.

- Most successful treatment efforts include a combination of thorough cleaning and sorting, along with repeated professional bed bug treatment applications.

- Many pest control companies will perform a visual inspection at no charge in hopes that if you have bed bugs, you'll hire them to do the treatment.

- According to the article, you should be wary of pest control companies that emphasize their bed bug expertise.

- Find an established pest control company that has been in business at least five years.

- The article states that exterminators may charge $250 to $900 a room to get rid of bed bugs, depending on the level of infestation and the types of treatments used. Prices in our local area may vary.

- Be sure the exterminator makes at least one follow-up visit. According to the article it's near impossible to kill all bed bugs in a given area with one treatment.

- Ask if follow-up treatments are included in the price quoted to you.

- Check to see that the company and technician you hire are licensed in your state.

- Check the Better Business Bureau for any complaints filed against the exterminators you are considering.

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CHAPTER 4 ANNUAL RECERTIFICATIONS AND INTERIM CHANGES

A. RENEWAL AND ANNUAL REEXAMINATIONS

AHA is required to reexamine each family's income and composition at least annually and to adjust the family's level of assistance accordingly. Interim reexaminations are also needed in certain situations. This chapter discusses both annual and interim reexaminations and the recalculation of family share and subsidy that occurs as a result.

Anniston Housing Authority must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated. This part discusses the schedule for annual reexaminations, the information to be collected and verified, and the Enterprise Income Verification (EIV) system (please see the chapter on EIV within this tenant selection plan).

Notification of and Participation in the Annual Reexamination Process

AHA is required to obtain the information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of the PHA. However, PHAs should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

> An advocate, interpreter, or other assistant may assist the family in the interview process. The family and Anniston Housing Authority must execute a certification attesting to the role and the assistance provided by any such third party.

B. INTERIM REEXAMINATIONS

Family circumstances may change between annual reexaminations. HUD and PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances AHA must process interim reexaminations to reflect those changes. HUD regulations also permit the PHA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted.

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. The PHA must complete the interim reexamination within a reasonable time after the family's request.

Residents are required to report all changes in income, deductions, family composition or status to the HA in writing within 10 calendar days of the occurrence. Failure to report in writing within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. Residents are also required to report interim increases in income if they have been granted interim rent reductions.

C. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The family is required to report all changes in family composition, if a member of the assisted unit moves out. AHA must adopt policies prescribing when and under what conditions the family

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must report changes in income and family composition. However, due to family obligations under the program, the PHA has limited discretion in this area.

New Family Members Not Requiring PHA Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify the PHA of the addition [24 CFR 982.551(h)(2)].

- The family must inform AHA of the birth, adoption, or court-awarded custody of a child within ten (10) business days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request AHA approval to add a new family member [24 CFR 982.551(h)(2)] or other household members (live-in aide or foster child) [24 CFR 982.551(h)(4)].

CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because AHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, AHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

Family-Initiated Interim Reexaminations

AHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 982.516(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2).

Effective Date of Adjustments:

Residents will be notified in writing of any rent adjustment and the effective date of the action.

1. Rent decreases go into effect the first of the month following the actual date of decrease and/or the date resident reported the decrease, whichever is later. Income decreases reported or verified after the resident accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
2. Rent increases (except those due to misrepresentation or late reporting) become effective during the first of the month following a 30-day written notification of the increase in rent.
3. For misrepresentation or failure to report timely, the AHA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred.

CALCULATING INCOME

New Admissions and Interim Reexaminations

Regulations: 24 CFR §§ 5.609(c)(1); 882.515; 891.410(c) and (g)(2); 891.610(c) and (g)(2); 960.257; and 982.516

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Summary: When calculating a household's income, including asset income, at the time of admission to the program or during interim reexaminations, PHAs/MFH Owners must use anticipated income (current income) (i.e., the family's estimated income for the upcoming 12-month period). This requirement is consistent with the pre-HOTMA process for conducting income examinations at admission and for interim reexaminations.

Annual Reexaminations

Regulations: 24 CFR §§ 5.609(c)(2); 882.808; 891.410(g)(1); and 891.610(g)(1) 960.257; and 982.516

Summary: The final rule revises the standards for income calculation during annual reexamination.

PHAs/MFH Owners have the option of using a "safe harbor" income verification from another federal means-tested program to verify gross annual income. See Attachment J (paragraph J.4) (Determination of Income Using Other Means Tested Public Assistance (i.e., "Safe Harbor")) of this notice for an example of how to calculate annual income using the safe harbor method.

During annual reexaminations, except where the PHA/MFH Owner uses a streamlined income determination under 24 CFR §§ 5.657(d), 960.257(c), or 982.516(b) (see Attachment I (paragraph I.8) (Streamlined Income Determination)), PHAs/MFH Owners must first determine the family's income for the previous 12-month period and use this amount as the family income for annual reexaminations; however, adjustments to reflect current income must be made. Any change of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination of family income in accordance with the PHA/MFH Owner's policies and 24 CFR §§ 5.657(c), 960.257(b), or 982.516(c), must be considered. Income from assets is always anticipated, irrespective of the income examination type.

A change in income, for example, may be a loss of income or the addition of a new source of income. Changing to a different employer in the prior year does not necessarily constitute a change if the income earned from either employer is substantially the same. PHA/MFH Owners will look at the entirety of the family's unearned income and earned income from the prior year, in which earned income may have been one constant job or many different jobs that start and stop. Cost of Living Adjustments (COLA) to Social Security income and Social Security disability income are always considered changes to income because the COLA is an adjustment that automatically occurs annually by law.B1 See Attachment B (paragraph B.3) of this notice for more information on the COLA. The three steps outlined below apply for both earned and unearned income.

Overview of Calculating Annual Income at Annual Reexamination

Step 1: Determine the annual income for the previous 12-month period as defined at 24 CFR § 5.609(a) and (b). If there have been no changes to income beyond this calculation, then this is the amount that will be used to determine the family's rental assistance.

The PHA/MFH Owner reviews the following information to determine prior-year income:

- The EIV Income Report (must be pulled within 120 days of the effective date of the annual reexamination to be considered current);

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• The income reported on the most recent reexamination HUD–50058/HUD–50059; and • What the family certified to on the PHA/MFH Owner's current annual reexamination paperwork for prior-year income, if available.

Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination.

• If an interim reexamination was performed within the reexamination cycle and there are no additional changes, the PHA/MFH Owner must use the annual income from the interim reexamination to determine the family's rental assistance. The PHA/MFH Owner may use the verification obtained from the interim reexamination for this step.

• If the PHA/MFH Owner did not perform an interim reexamination or if the family reports that there have been changes since the last reexamination, move to Step 3.

Step 3: If there were changes in annual income not processed by the PHA/MFH Owner since the last reexamination, use current income.

• Family reports their income for the prior year and whether there have been permanent changes. If there are no reported changes to an income source, the PHA/MFH Owner may use documentation of prior-year income to calculate the annual income used for the current annual reexamination HUD–50058/HUD–50059. For example, the PHA/MFH Owner could use the following documentation:

• EIV + self-certification (wages, Supplemental Security Income (SSI), Social Security, and unemployment)

• Current level 4B2 documents verifying prior-year income that are dated within the required timeframe (120 days of receipt by the PHA/MFH Owner), for example:

o Year-end statement

o Pay stub with year-to-date amount

o Tax forms (Form 1040, W2, 1099, etc.)

If there are reported changes by the family or the PHA/MFH Owner notes discrepancies between EIV and what the family reports, follow the verification hierarchy to document and verify income. See Attachment J (paragraph J.5) (Verification Hierarchy) of this notice for information about verification.

Applying the Current SSA COLA at Next Annual and Interim Reexamination

Regulations: 24 CFR §§ 5.609(c)(2); 960.257; 982.516; and 891.105

Summary: Annually in October, the Social Security Administration (SSA) announces the cost-of-living adjustment (COLA) by which federal SS and SSI benefits are adjusted to reflect the increase, if any, in the cost of living as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers prepared by the Bureau of Labor Statistics. The purpose of the COLA is to ensure that the purchasing power of SS and SSI benefits are not eroded by inflation. The federal COLA does not apply to state-paid disability benefits. Additional information regarding the SSA COLA is available online at www.socialsecurity.gov.

Effective the day after SSA has announced the COLA, PHAs/MFH Owners are required to factor in the COLA when determining SS and SSI annual income for all annual reexaminations and

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interim reexaminations of family income that have not yet been completed and will be effective January 1 or later of the upcoming year.

De Minimis Errors

Regulations: 24 CFR §§ 5.609(c)(4); 5.657(f); 960.257(f); 982.516(f); 882.515(f); 882.808(i)(5); 891.105; and 891.655

Summary: PHAs/MFH Owners will not be considered out of compliance solely due to de minimis errors in calculating family income. De minimis errors occur when a PHA/MFH Owner's determination of a family's income deviates from the correct income determination by no more than $30 per month in monthly adjusted income (or $360 in annual adjusted income). HUD may revise the threshold amount that constitutes a "de minimis error" through rulemaking. PHAs/MFH Owners will not be issued a finding by HUD or the Contract Administrator (MFH only) for de minimis errors in income calculation.

As PHAs/MFH Owners become aware of the existence of an income calculation error, they are obligated to correct the error(s) retroactive to the effective date of the action the error was made regardless of the dollar amount associated with the error. PHAs/MFH Owners must take corrective action to credit or repay a family if the family was overcharged tenant rent, including when PHAs/MFH Owners make de minimis errors in the income determination. Families will not be required to repay the PHA/MFH Owner in instances where the PHA/MFH Owner miscalculated income resulting in a family being undercharged for rent.

PHAs/MFH Owners must revise their Administrative Plans, ACOPs, and Tenant Selection Plans, as applicable, to reflect how they will repay or credit a family the amount they were overcharged as a result of the PHA/MFH Owner's de minimis error in income determination.

PHA/MFH Owner Discretion: None.

D. APPROACH TO EVICTIONS

"Elements of due process" shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

- Adequate notice to the Tenant of the grounds for terminating the tenancy and for eviction;
- Right of the Tenant to be represented by counsel;
- Opportunity for the Tenant to refute the evidence presented by the Landlord including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the Tenant may have;
- A decision on the merits.

If an eviction is initiated, the Landlord agrees to rely only upon those grounds cited in the termination notice.

Lease Termination Procedures

A. General Policy: Lease Termination:

AHA will provide notice for termination of tenancy and evictions to tenants.

Citations: 24 CFR 966.4(l); 24 CFR 966.52(a); Ala Code §35-9A-302 and §35-9A-421

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A lease termination notice must provide a reasonable period of time considering the seriousness of the situation (but not to exceed 30 days); If the health or safety of other residents, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; except that if a State or local law allows a shorter notice period, such shorter period shall apply.

No resident's lease shall be terminated except in compliance with HUD regulations, the lease terms, and state law.

B. Notice Requirements:

No resident shall be given a Notice of Lease Termination without being told by the AHA in writing the reason for the termination and the requirements necessary to cure deficiencies if curable.

- The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure and be given the opportunity to make such a reply as he/she may wish.
- Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or the HA employees; and any drug-related criminal activity.

Notices of lease termination shall be in accordance with the lease.

C. Record-keeping Requirements:

A written record of every termination and/or eviction shall be maintained by the HA, and shall contain the following information:

- Name of resident, race, ethnicity and unit number;
- Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
- Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
- Date and method of notifying resident; and
- Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

E. GRIEVANCE PROCEDURE

"Grievance" shall mean any dispute which a Tenant may have with respect to Landlord action or failure to act in accordance with the individual Tenant's lease or Landlord regulations which adversely affect the individual Tenant's rights, duties, welfare, or status. Grievance does not include any dispute a Tenant may have with Landlord concerning a termination of tenancy or eviction that involves any activity that may threaten the health, safety, or right to peaceful enjoyment of the Landlord's public housing premises by other Tenants or employees of the Landlord, or any criminal activity or drug-related criminal activity on or off such premises.

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Informal settlement of grievance: Any grievance shall be promptly and personally presented, either orally or in writing, to the Landlord office or to the office of the project in which the Tenant resides so that the grievance may be discussed informally and settled without a hearing.

A summary of such discussion shall be prepared within a reasonable time, and one copy shall be given to the Tenant and one retained in the Landlord's Tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons thereof and shall specify the procedures by which a hearing under these procedures may be obtained if the Tenant is not satisfied. **The purpose of this informal settlement of grievance is to allow the Tenant and management to informally discuss an issue without the need for third parties, including witnesses or representatives, to be involved. At any time that a third party, including a witness or representative becomes or should become involved in the process, the informal settlement conference may, in the sole discretion of the housing authority, become a "hearing" and the procedures found in Section IV hereof shall apply. The housing authority shall notify the Tenant of the date, time and location that the hearing will take place.**

PROCEDURES TO OBTAIN HEARING

(A) *Request for hearing:* In the event that the Tenant is not satisfied with the informal settlement of grievance provided for in Section III, the Tenant shall submit a written request for a hearing to the Landlord or the project office within five (5) business days from date of mailing of the summary of discussion pursuant to Section III. The written request shall specify:

(1) The reasons for the grievance; and

(2) The action or relief sought.

(B) *Selection of Hearing Officer:* A grievance hearing shall be conducted by an impartial person appointed by the Landlord other than a person who made or approved the Landlord action under review or a subordinate of such person.

The Landlord shall annually submit a list of prospective hearing officers. This list shall be provided to any existing resident organization for such organization's comments or recommendations. The Landlord shall consider any comments or recommendations by the resident organization submitted in a reasonable time.

From this list, a hearing officer shall be selected.

(C) *Failure to request a hearing:* If the Tenant does not request a hearing in accordance with this Section, then the Landlord's disposition of the grievance under Section III shall become final: *Provided,* That failure to request a hearing shall not constitute a waiver by the Tenant of the right thereafter to contest the Landlord's action in disposing of the complaint in an appropriate judicial proceeding.

(D) *Hearing prerequisite:* All grievances shall be promptly presented in person, either orally or in writing pursuant to the informal procedure prescribed in Section III as a condition precedent to a hearing under this section: *Provided,* That if the Tenant shall show good cause why there was failure to proceed in accordance with Section III to the hearing officer, the provisions of this Subsection may be waived by the hearing officer.

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(E) *Escrow deposit:* Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the Landlord claims is due, the Tenant shall pay to the Landlord an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The Tenant shall thereafter deposit monthly the same amount of the monthly rent in an escrow account held by the Landlord until the complaint is resolved by decision of the hearing officer. Amounts deposited into the escrow shall not be considered as acceptance of money for rent during the period in which the grievance is pending. These requirements may be waived by the Landlord in extenuating circumstances. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure:

Provided*,* That failure to make payment shall not constitute a waiver of any right the Tenant may have to contest the Landlord's disposition of his grievance in any appropriate judicial proceeding.

Provided, however, that if a public housing family requests a hearing under this policy, to review the HA's determination denying or limiting the family's claim to a financial hardship exemption the family is not required to pay any escrow deposit in order to obtain a grievance hearing on such issues.

(F) *Scheduling of hearings:* Upon the Tenant's compliance with this Section, or upon the housing authority notifying the tenant or his/her representative that a hearing will be held, a hearing shall be promptly scheduled by the hearing officer for a time and place reasonably convenient to both the Tenant and the Landlord. A written notification specifying the date, time, place, and the procedures governing the hearing shall be delivered to the Tenant and the appropriate Landlord official.

PROCEDURES GOVERNING THE HEARING

(A) The Tenant shall be afforded a fair hearing, which shall include:

1. The opportunity to examine before the grievance hearing any Landlord documents, including records and regulations that are directly relevant to the hearing. The Tenant shall be provided a copy of any such document at the Tenant's expense. If the Landlord does not make the document available for examination upon request by the Tenant, the Landlord may not rely on such document at the grievance hearing.
2. The right to be represented by counsel or other person chosen as the Tenant's representative and to have such person make statements on the Tenant's behalf;
3. The right to a private hearing unless the Tenant requests a public hearing;
4. The right to present evidence and arguments in support of the Tenant's complaint, to controvert evidence relied on by the Landlord or project management, and to confront and cross-examine all witnesses upon whose testimony or information the Landlord or project management relies; and
5. A decision based solely and exclusively upon the facts presented at the hearing.

(B) Accommodation of persons with disabilities:

1. The Landlord shall provide reasonable accommodation for persons with disabilities to participate in the hearing.

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2. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.
3. If the Tenant is visually impaired, any notice to the Tenant which is required by these procedures must be in an accessible format.

(C) At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the HA must sustain the burden of justifying the HA action or failure to act against which the complaint is directed.

DECISION OF THE HEARING OFFICER

(A) The hearing officer shall prepare a written decision, together with the reasons therefor, within a reasonable time (not to exceed 10 calendar days) after the hearing. A copy of the decision shall be sent to the Tenant and the Landlord. The Landlord shall retain a copy of the decision in the Tenant's folder. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the Landlord and made available for inspection by a prospective complainant, his representative, or the hearing officer.

(B) The decision of the hearing officer shall be binding on the Landlord which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Landlord's Board of Commissioners determines within a reasonable time, and promptly notifies the complainant of its determination, that:

1. The grievance does not concern Landlord action or failure to act in accordance with or involving the Tenant's lease or Landlord regulations, which adversely affect the Tenant's rights, duties, welfare or status;
2. The decision of the hearing officer is contrary to applicable Federal, State or local law, Landlord regulations or requirements of the Annual Contributions Contract between Landlord and the U.S. Department of Housing and Urban Development.

(C) A decision by the hearing officer or Board of Commissioners in favor of the Landlord or which denies the relief requested by the Tenant in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the Tenant may have to a trial *de novo* or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

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CHAPTER 5 UNIT TRANSFERS / MOVES

A. UNIT TRANSFERS/MOVES

AHA will transfer residents to different units as an reasonable accommodation to a household member's disability.

No transfers, based purely on preference, will be allowed.

If the owner/agent determines whether a tenant's current dwelling unit is smaller or larger than appropriate because of a change in the tenant's household size or composition, the owner/agent will require the tenant to transfer to another unit at the household's expense.

A household meeting the unit size standards for more than one size unit will not be eligible for transfer, unless their transfer enables a household on the waiting list access to a unit.

When a tenant transfers to another unit, the owner/agent will charge a new deposit and refund the deposit for the old unit.

Emergency transfers under the Violence Against Women Act (VAWA) is found in chapter 7 of this Tenant Selection Plan.

TRANSFERS REQUESTED BY TENANTS

HUD provides AHA with discretion to consider transfer requests from tenants. The only requests that AHA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of AHA. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by AHA. Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

AHA will consider the following as high priority transfer requests:

- When a transfer is needed to alleviate verified medical problems of a serious or life- threatening nature
- When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at AHA's discretion, include an assessment by law enforcement indicating a threat of criminal attack, potential retaliation for testimony, or where the tenant is a victim of hate crime or domestic violence.
- When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first-floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

COST OF TRANSFER

The resident will bear all of the costs of transfer s/he requests. AHA will consider assuming the transfer costs when the transfer is done as a reasonable accommodation.

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B. MOVING PROCESS

AHA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to AHA policy [24 CFR 960.257(a)(4)]. On some occasions, AHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies.

For purposes of the move process, overcrowded and over-housed are defined as follows:

- *Overcrowded*: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides

- *Over-housed:* the family no longer qualifies for the bedroom size in which they are living based on AHA's occupancy standards

C. HANDICAPP ACCESSIBLE UNITS

HCA has eight handicap accessible units in its inventory. A handicapped person shall be provided reasonable accommodation to the extent necessary to provide the handicapped person with an opportunity to use and occupy the dwelling unit equal to a non-handicapped person.

AHA shall provide a notice to each Tenant that the Tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the Tenant can meet lease requirements or other requirements of tenancy.

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CHAPTER 6 ENTERPRISE INCOME VERIFICATION (EIV)

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and detecting program abuse. PHAs are required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

- Provide applicants and participants with form HUD-52675, "Debts Owed to PHAs and Terminations"
- Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file

An applicant must be in good standing with all federal housing programs in which he or she previously participated. If a debt is owed to any federal housing programs in which the applicant has participated, he or she may be denied assistance. If participation has been terminated because of any violation of a family obligation, a family may be denied assistance. Hobson City Apartments receives information about applicants' histories with other federal programs from the Enterprise Income Verification (EIV) system. If the debt is not discharged and remains unpaid, future assistance will be denied. Debt Owed information will be maintained in EIV for a period of up to 10 years from the date of termination.

HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specify the circumstances in which each method will be used. In general, HUD requires HCA to use the most reliable form of verification that is available and to document the reasons why HCA uses a lesser form of verification.

In order of priority, the forms of verification that the PHA will use are:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third-Party Verification (may be provided by applicant or participant)
- Written Third-party Verification Form
  - Oral Third-party Verification
  - Self-Certification Documentation submitted by the tenant | safe harbor

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

PHAs must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. The EIV system contains data showing earned income, unemployment benefits,

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social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

EIV Income and IVT Reports

The data shown on income and income validation tool (IVT) reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

The PHA must maintain Enterprise Income Verification (EIV) system Income Reports in the tenant file for the duration of the tenancy but for a period not to exceed three years from the EOP date [Notice PIH 2018-18].

Upfront Income Verification (UIV) Records

PHAs that access UIV data through HUD's Enterprise Income Verification (EIV) system are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD-issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data.*

<u>USE OF EIV REPORTS</u>

Enterprise Income Verification (EIV) System (H 2013–06)

o "Using EIV Reports" (Section VII). This section of the notice states that MFH Owners are required to use EIV Income Reports as a third-party source to verify a tenant's employment and income information during interim reexaminations.

o "Use of EIV Reports" (Attachment 6). This attachment to the notice states that the use of EIV Reports (Income Report, Income Discrepancy Report, and Summary Report) is mandatory at interim reexaminations.

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Verification Matrix Hierarchy:

Step	Action
1st	Enterprise Income Verification (EIV). Must review EIV Income Report for all families when verifying income and maintain a copy in the resident file. NOTE: Cannot be used to calculate earned income.
2nd	Up front income verification (UIV) (Ex: Work Number, Credit Bureau). UIV sources are those that can be accessed directly by the PHA either online or via automated telephone system. ***If desired information is NOT obtained go to next step.***
3rd	Written Third Party Verification: Mandatory to supplement EIV reported income. Third-party generated documents, including paystubs, bank statements, print outs from online system, benefit letter, etc. Must collect at least two consecutive paystubs for employment income. If desired information is NOT obtained go to next step.
4th	Third party written verification form. Send standard income verification to income source(s). May be sent by mail or fax. **Note:** ***If a desirable response is not received in a timely manner a 2nd letter may be sent but not required in all cases.*** ***If desired information is NOT obtained go to next step.***
5th	Third Party oral verification (documented to file). This could be via phone or interviewed by staff. A written record of this contact should be prepared by the HA that includes date/time of contact, name and source of information, the HA staff person, summary of information provided, and the reason for using oral verification. ***If desired information is NOT obtained go to next step.***
6th	Family Declaration or Certification: When all other forms of verification are impossible to obtain, the HA can obtain a notarized statement or signed affidavit from the family, attesting to the accuracy of the information provided. The applicant's file should clearly document why other forms of verification were impossible to obtain. Please note that this type of documentation should rarely be used and should not be used merely for the convenience of the applicant or the HA, or where the applicant cannot provide the necessary information. Note: Use to verify required information; however, it may require reverification in less than 12 months.

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EIV System Policy and Procedures

Purpose of the Policy

The purpose of this policy is to provide instruction and information to staff, auditors, consultants, contractors and residents of Hobson City Apartments, on the acceptable use, disposition and storage of data obtained through the Enterprise Income Verification System.

The purpose of EIV is to assist the HUD Contract Administrators, owners, and their agents in streamlining the income verification process and to help in minimizing the need for third-party verification. EIV allows the user to identify:

- Applicants currently receiving HUD assistance
- Income not previously reported
- New employment
- Historical patterns of earnings and received income
- Multi-subsidy for household members included in both PIC and TRACS databases
- Deceased household members

In addition, information in EIV can be used to provide more comprehensive oversight to compliance policies and their implementation. The data provided via EIV system will be protected to ensure that it is only used for official purposes and not disclosed in any way that would violate the privacy of the individuals represented in the system data. Privacy of data and data security for computer systems are covered by a variety of federal laws and regulations, government bulletins, and other guiding documents.

AVAILABILITY OF EIV DATA

The following reports will be printed as indicated:

- Existing Tenant Search/Move-In – As needed
    - If error occurs, stop processing application until issue is resolved
- Multiple Subsidy Report – Monthly
    - When a multiple subsidy report error occurs, notify the tenant's last landlord to find out the correct move-out date and verify with the tenant. If the tenant has moved in and the move-in date overlaps the move-out date of the last landlord, you must terminate the tenant's lease (perform move-out) and charge the tenant market-rate rent for the number of days effected. Do an initial move-in with the correct dates.
- Identity Verification Report – Monthly
    - When an identity verification occurs, check the name and social security number against the tenant's birth certificate.
- Deceased Tenant's Report – Monthly
    - When a deceased tenant error occurs, ensure you update the systems to remove the deceased tenant from the records.
- Verification Report – Monthly
    - Resolutions are addressed in this document under Resolving Discrepancies

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SAFEGUARDING EIV DATA

The information processed by any EIV system can include wage and income data about private individuals, as well as identifying information such as Social Security Numbers, addresses, and employment information. This policy describes methods to comply with HUD's required safeguards.

Technical Safeguards

1. Reduce the risk of security violation related to the EIV system's software, network, or applications
2. Identify and authenticate all users seeking to use the EIV system data
3. Deter and detect attempts to access the system without authorization
4. Monitor the user activity on the EIV system

Administrative Safeguards

1. Ensure that access rights, roles, and responsibilities are appropriately and adequately assigned
2. Protect copies of sensitive data and destroy system-related records to prevent reconstruction of contents
3. Ensure authorized release of tenant information consent forms are included in all family files, before accessing and using data
4. Maintain, communicate, and enforce standard operating procedures relating to securing EIV data
5. Train staff on security measures and awareness, preventing the unauthorized accessibility of and use of data

Physical Safeguards

1. Establish barriers between unauthorized persons and documents or computer media containing private information
2. Clearly identify restricted areas by use of prominently posted signs or other indicators
3. Develop a list of authorized users who can access restricted areas (e.g. contractors, maintenance and janitorial personnel staff)
4. Prevent undetected entry into protected areas and/or documents
5. Notify Coordinators/Security Administrators of system breaches and penetration by unauthorized users

Designated Staff

1. Maintaining and enforcing the security procedures
2. Keeping records and monitoring security issues that may arise
3. Communicating security information and requirements to appropriate personnel including coordinating and conducting security awareness training sessions
4. Conducting review of all User IDs issued to determine if the users still have a valid need to access EIV data and taking necessary steps to ensure that access rights are revoked or modified as appropriate
5. Reporting any evidence of unauthorized access or known security breaches to designated staff and taking immediate action to address the impact of the breach including but not

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limited to prompt notification to designated staff. Designated staff will escalate the incident by reporting to appropriate parties including the Contract Administrator or HUD

Limiting Access to EIV Data
User accounts for the EIV System will be provided on a need-to-know basis, with appropriate approval and authorization.

Security Awareness Training
Security Awareness Training is a crucial aspect

EIV System Coordinators
Before accessing EIV, the Executive Director will obtain a letter from the property manager/owner indicating that the owner gives permission for the EIV Coordinator to be responsible for UIV/EIV access and reports. Once permission is obtained, the EIV Coordinator will review the EIV training materials provided by HUD and complete the appropriate

EIV Users
Before requesting EIV User access, appropriate staff will review the EIV training materials provided by HUD and complete the appropriate Security Awareness Training Questionnaire and review the EIV Security Awareness Policy and the EIV User Policy. Upon completion of these three training courses, the EIV User will submit to the EIV Coordinator, the appropriate User Access Authorization Form. Upon receipt of the designated forms, the EIV Coordinator will recommend additional training, if necessary. If the EIV Coordinator feels that the EIV User candidate does not understand the security requirements, the EIV Coordinator will not continue with the EIV setup for that user.

Note: Under no circumstances will the EIV Coordinator process the User Access Authorization Form unless the executed Security Awareness Training Questionnaire, the signed EIV Security Policy and the signed EIV User Policy are attached.

Once the user request information is satisfactorily completed, the EIV Coordinator will complete the appropriate steps to provide EIV access to the user. In accordance with HUD requirements, the user's need for access will be reviewed on a quarterly basis.

At least once a year, staff with EIV access will be required to:

- Participate in training that includes a review of the EIV security policy and
- Complete the EIV Security Awareness Training Questionnaire

The owner/agent will restrict access to EIV data only to persons whose duties or responsibilities require access to EIV. The EIV Coordinator will be required to request re-certification on an annual basis. EIV Coordinators are authorized to provide access only to those individuals directly involved in the resident certification process and/or compliance monitoring. EIV Coordinators will carefully review initial and quarterly requests for access and certify only those users who will need access within the next 90 days.

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The owner/agent will ensure that a copy of the HUD Form 9887 and HUD Form 9887-A has been signed by each resident and members of the household 18 years of age or older. The 9887 will be presented at move-in and/or initial certification. If a household member turns 18 years of age in the middle of a certification cycle, that household member should sign the Form 9887 and Form 9887-A within seven days

The HUD 9887 Fact Sheet will be provided to all adult household members required to sign the form. By signing the forms, the applicant/resident authorizes HUD and/or the owner/agent to obtain and verify income and unemployment compensation information from various sources including, but not limited to the IRS, the Department of Health and Human Services, and the Social Security Administration, current and former employers and state agencies.

Resolving Discrepancies

The owner/agents are required to obtain written independent verification of disputed EIV data such as that provided by SSA and HHS' NDNH, in accordance with 24 CFR 5.236.

Following are the steps an owner/agent must take to resolve income discrepancies:

1. Notify and discuss any discrepancies with the resident
2. Request current documentation from the resident (i.e. originals, most recent (six months or more) consecutive pay stubs, original SSA benefits letter dated within the last 120 days, etc.) in accordance with Chapter 5, Paragraph 5-13 and 5-17, Determining Income and Calculating Rent, of Handbook 4350 3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*
3. Request written third-party verification of any income source that the tenant disputes
4. Confirm effective dates of unreported income
5. Provide the tenant the right to contest the findings
6. Determine any retroactive rent due to the owner/agent in cases where the owner/agent confirms that the tenant failed to report income
7. Execute a repayment agreement with the tenant, when the tenant is unable to pay the amount due in full, in accordance with Chapter 8, Paragraph 8-20, A, Reimbursement to HUD for Overpayment of Assistance, of Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*
8. Adjust the rent, as necessary, in accordance with Chapter 7, Recertification's, Unit Transfers, and Gross Rent Changes of Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs,* to reduce the occurrence of improper subsidy payments

Social Security Administration (SSA) Form 7004 form may be used by owner/agent to request a tenant's Social Security Earning Statement. The statement provides a record of the tenant's Social Security earnings history, year-by-year and provides an estimate of benefit payments that the tenant and the tenant's family may qualify for now or in the future.

Owner/agents may not suspend, terminate, reduce or make a final denial of any financial assistance or payment under a federal benefit program against an individual, or take other adverse action against such individual, as a result of information produced by the EIV system without properly verifying the information and notifying the tenant in writing of any adverse

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findings in the same manner as applies to other information and findings relating to eligibility factors.

Owner/agents must reevaluate their policies and practices and review applicable regulations at 24 CFR 5.236 in light of availability of quarterly wage, unemployment compensation, and new hires employment information, and the possibility of a major increase in the number of cases of unreported and underreported tenant income.

Usernames, Password and Password Changes
Many systems require frequent changes in passwords. Secure Systems/EIV passwords will be changed in accordance with HUD Secure Systems requirements. Users will not share usernames or passwords with any other employee or with anyone outside of the organization. EIV access

Computer Systems Security Requirements
All computer systems and computers will have restricted access. The owner/agent will also use Antivirus software to limit data destruction or unintended transmission via virus, worms, Trojan horses or other malicious means. Remote access by other computers other than those specifically authorized is prohibited.

Authorized users of EIV data are directed to avoid leaving EIV data displayed on their computer screens where unauthorized users may view it. A computer will not be left unattended while the user is "logged" in to Secure Systems. If an authorized user is viewing EIV data and an unauthorized user approaches the work area, the authorized user will lessen the chance of inadvertent disclosure of EIV data by minimizing or closing the screen on which the EIV data is being displayed.

Physical Security Requirements
The owner/agent may use a combination of methods to provide physical security for resident file records. The EIV data may be maintained in a locked metal file cabinet within a locked file room or office.

Restricted Areas
The owner/agent will have the areas clearly identified by the use of prominently posted signs or other indicators. For example, "Employees Only" signs. The sign should be posted on the door to the locked file room or office. The restricted areas will be separated from non-restricted areas by physical barriers that control access and/or will have limited access and points of entry.

Since the EIV data in resident files is maintained in the locked file room, designated staff will establish and maintain a key control log to track the inventory of keys available, the number of keys issued and to complete a form acknowledging the receipt of the key.

Use and Handling of EIV Data
EIV data serves two purposes:

1. Verification of specific income information provided by the resident
2. Monitoring residents and staff compliance

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Use of the data is described in the EIV User Policies. This policy is designed to provide protocol used to protect EIV data.

EIV Printouts
Reports available through EIV will not be printed to a shared printer unless the EIV user plans to immediately retrieve the data printed. It is preferred that all EIV printouts are sent to the user's personal printer. EIV printouts will be stored in the resident file in a separate folder/envelope. The documentation of EIV data will be included in the resident file. The entire file will be made available to authorized personnel including appropriate staff or contractors (i.e. Service Bureaus, contractors performing file reviews/audits, etc.) for the owner/agent, HUD staff, Contract Administration staff and the Office of Inspector General.

If other people are tasked with reviewing the file, such as financial auditors complying with the Consolidated Audit Guide (Handbook IG 2000.04), the EIV printout in the file/envelope including the EIV printout will be removed from the file and the Documentation of EIV Data will remain in the file to provide appropriate information required by the file audit.

If a resident requests a copy of their own EIV printout, a copy will be produced. The staff person providing the copy will note that the printout is a copy provided to the resident upon request. This note will include the following:

This is not an original, this a copy provided to the resident: _____ on this date: _____, 20__ by (Name of provider agent)
Initials: _____

The appropriate staff will make a note in the file any time a copy of the EIV data is obtained by authorized people and taken off site. This includes copies provided to the applicant/resident, other internal staff, HUD, CA, or OIG staff. Under no circumstances will the EIV information be provided to anyone other than that noted in this paragraph.

Other Language
Electronic information from EIV
Under no circumstances should anyone save or scan EIV information to retain an electronic copy. In order to ensure compliance with HUD's security requirements, EIV information should only be produced in a hard copy and maintained in accordance with the recordkeeping requirements outlined by HUD.

Alternative
In some cases, there may be a need to send or store EIV information electronically. If there is a need to store the information on a hard drive, a specific folder will be created. The folder will be password protected to prevent unauthorized access. Information in the folder will be purged periodically to comply with HUD's EIV file retention policies.

If EIV information is copied to portable media (i.e. CD, DVD, tape, etc.) that provide media will be destroyed appropriately upon completion of the intended use.

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Reporting improper disclosure
Recognition, reporting, and disciplinary action in response to security violations are crucial to successfully maintaining the security and privacy of the EIV system. These security violations may include the disclosure of private data as well as attempts to access unauthorized data and sharing of User ID's and passwords. Upon the discovery of a possible improper disclosure of EIV information or other security violation by an employee or any other person, the individual making the observation or receiving the information will contact the EIV Coordinator and designated staff who will document all improper disclosures in writing providing details including who was involved, what was disclosed, how to disclosure occurred, and where/when it occurred. The EIV Coordinator will immediately review the report or improper disclosure and if appropriate, the EIV Coordinator will remove EIV access.

Improper disclosure of any information is grounds for immediate termination. All employees should carefully review the EIV Access Authorization Form to understand the penalties for improper disclosure of EIV data.

Disposal of EIV Information
EIV data will be destroyed in a timely manner based on the information provided in HUD's published EIV training materials, HUD notices or as prescribed by the owner/agent policy and procedures. The owner/agent's policy and procedures will not allow data retention that is longer than the time allowed in the published HUD materials.

As necessary, all EIV originals will be crosscut shredded or burned. Information about the use of EIV information and how printouts were destroyed will be maintained in the resident file.

This document will be given to all personnel maintaining, have access to Hobson City Apartments applicant and resident information. This document will also be made as part of the EIV Security Requirements and the Tenant Selection Plan (TSP).

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CHAPTER 7 VIOLENCE AGAINST WOMEN ACT (VAWA)

A. VOLENCE AGAINST WOMEN ACT (VAWA)

This chapter describes the protections against termination of assistance that the Violence against Women Act of 2013 (VAWA) provides for victims of domestic violence, dating violence, sexual assault and stalking. For general VAWA requirements, key VAWA definitions, and PHA policies pertaining to notification, documentation, and confidentiality.

B. VAWA Protections Against Termination and Evictions

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (*Note:* The second, third, and fourth protections also apply to termination and eviction of tenancy or occupancy by owners).

First, VAWA provides that a PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed they were imminently threatened by harm from further violence if they remained in the unit [24 CFR 982.354(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives PHAs the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

C. Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

VAWA does not limit the authority of a PHA to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault, or stalking so long as the PHA does not subject the victim to a more demanding standard than it applies to other program participants [24 CFR 5.2005(d)(1)].

Likewise, VAWA does not limit the authority of a PHA to terminate the assistance of a victim of domestic violence, dating violence, sexual assault, or stalking if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance [24 CFR 5.2005(d)(2)].

HUD regulations define the *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In

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determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In order to demonstrate an actual and imminent threat, the PHA must have objective evidence of words, gestures, actions, or other indicators. Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

D. VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

OVERVIEW

The Violence Against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, "Family Breakup and Remaining Member of Tenant Family"; 3-III.G, "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking"; 10-I.A, "Allowable Moves"; 10-I.B, "Restrictions on Moves"; 12-II.E, "Terminations Related to Domestic Violence, Dating Violence, or Stalking"; and 12-II.F, "Termination Notice."

DEFINITIONS [24 CFR 5.2003, 42 USC 13925]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship
    - The type of relationship
    - The frequency of interaction between the persons involved in the relationship

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- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *affiliated individual* means, with respect to a person:
    - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
    - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *sexual assault* means:
    - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term *stalking* means:
    - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

AHA adopts the following policy to help ensure that all actual and potential beneficiaries of its assisted housing units are aware of their rights under VAWA.

AHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

A copy of the notice of occupancy rights under VAWA to multifamily applicants and residents who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)

A copy of the AHA's emergency transfer plan (Exhibit 16-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

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Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

PHAs are required to inform program applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

> When discussing VAWA with the victim, the PHA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.
>
> The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

DOCUMENTATION [24 CFR 5.2007]

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

(1) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.

(2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record

(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the document must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA may also request third-party documentation when submitted documentation

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contains information that conflicts with existing information already available to the PHA. Individuals have 30 calendar days to return third-party verification to the PHA. If the PHA does not receive third-party documentation, and the PHA will deny or terminate assistance as a result, the PHA must hold separate hearings for the tenants [Notice PIH 2017-08].

The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

The PHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the PHA may allow, the PHA may deny relief for protection under VAWA.

CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

All information provided to the PHA regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

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E. EXHIBITS: ***SAMPLE***

NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT HUD-5380: HOUSING RIGHTS FOR VICTIMS

HOBSON CITY APARTMENTS

U.S. Department of Housing and Urban Development OMB Approval No. 2577-0286 Expires 1/31/2028

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

When should I receive this form? A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you are admitted as a tenant, when you receive an eviction or termination notice and prior to termination of tenancy, or when you are denied as an applicant. A covered housing provider may provide these forms at additional times.

What is the Violence Against Women Act ("VAWA")? This notice describes protections that may apply to you as an applicant or a tenant under a housing program covered by a federal law called the Violence Against Women Act ("VAWA"). VAWA provides housing protections for victims of domestic violence, dating violence, sexual assault or stalking. VAWA protections must be in leases and other program documents, as applicable. VAWA protections may be raised at any time. You do not need to know the type or name of the program you are participating in or applying to in order to seek VAWA protections.

What if I require this information in a language other than English? To read this information in Spanish or another language, please contact [INSERT COVERED HOUSING PROVIDER'S CONTACT INFORMATION; FOR HOPWA PROVIDERS – INSERT GRANTEE NAME AND CONTACT INFORMATION] or go to [INSERT WEBSITE, IF APPLICABLE]. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

What do the words in this notice mean?

° VAWA violence/abuse means one or more incidents of domestic violence, dating violence, sexual assault, or stalking.
° Victim means any victim of VAWA violence/abuse.
° Affiliated person means the tenant's spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant's household; or anyone for whom the tenant acts as parent/guardian.
° Covered housing program1 includes the following HUD programs:
o Public Housing
o Tenant-based vouchers (TBV, also known as Housing Choice Vouchers or HCV) and Project-based Vouchers (PBV) Section 8 programs
o Section 8 Project-Based Rental Assistance (PBRA)
o Section 8 Moderate Rehabilitation Single Room Occupancy
o Section 202 Supportive Housing for the Elderly
o Section 811 Supportive Housing for Persons with Disabilities
o Section 221(d)(3)/(d)(5) Multifamily Rental Housing
o Section 236 Multifamily Rental Housing
o Housing Opportunities for Persons With AIDS (HOPWA) program
o HOME Investment Partnerships (HOME) program

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o The Housing Trust Fund
o Emergency Solutions Grants (ESG) program
o Continuum of Care program
o Rural Housing Stability Assistance program

° *Covered housing provider* means the individual or entity under a covered housing program that is responsible for providing or overseeing the VAWA protection in a specific situation. The covered housing provider may be a public housing agency, project sponsor, housing owner, mortgagor, housing manager, State or local government, public agency, or a nonprofit or for-profit organization as the lessor

What if I am an applicant under a program covered by VAWA? You can't be denied housing, housing assistance, or homeless assistance covered by VAWA just because you (or a household member) are or were a victim or just because of problems you (or a household member) had as a direct result of being or having been a victim. For example, if you have a poor rental or credit history or a criminal record, and that history or record is the direct result of you being a victim of VAWA abuse/violence, that history or record cannot be used as a reason to deny you housing or homeless assistance covered by VAWA.

What if I am a tenant under a program covered by VAWA? You cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because you (or a household member) are or were a victim of VAWA violence/abuse. You also cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because of problems that you (or a household member) have as a direct result of being or having been a victim. For example, if you are a victim of VAWA abuse/violence that directly results in repeated noise complaints and damage to the property, neither noise complaints nor property damage can be used as a reason for evicting you from housing covered by VAWA. You also cannot be evicted or removed from housing, housing assistance, or homeless assistance covered by VAWA because of someone else's criminal actions that are directly related to VAWA abuse/violence against you, a household member, or another affiliated person.

How can tenants request an emergency transfer? Victims of VAWA violence/abuse have the right to request an emergency transfer from their current unit to another unit for safety reasons related to the VAWA violence/abuse. An emergency transfer cannot be guaranteed, but you can request an emergency transfer when:

1. You (or a household member) are a victim of VAWA violence/abuse;
2. You expressly request the emergency transfer; **AND**
3. **EITHER**
    a. you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same dwelling unit; **OR**
    b. if you (or a household member) are a victim of sexual assault, either you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) were to stay in the unit, or the sexual assault occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

You can request an emergency transfer even if you are not lease compliant, for example if you owe rent. If you request an emergency transfer, your request, the information you provided to make the request, and your new unit's location must be kept strictly confidential by the covered housing provider. The covered housing provider is required to maintain a VAWA emergency transfer plan and make it available to you upon request. To request an emergency transfer or to read the covered housing provider's VAWA emergency transfer plan, [ENTER SPECIFIC CONTACT INFORMATION, WEBSITE, AND/OR

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INSTRUCTIONS FOR REQUESTING AN EMERGENCY TRANSFER OR A COPY OF THE APPLICABLE VAWA EMERGENCY TRANSFER PLAN]. The VAWA emergency transfer plan includes information about what the covered housing provider does to make sure your address and other relevant information are not disclosed to your perpetrator.

Can the perpetrator be evicted or removed from my lease? Depending on your specific situation, your covered housing provider may be able to divide the lease to evict just the perpetrator. This is called "lease bifurcation."

What happens if the lease bifurcation ends up removing the perpetrator who was the only tenant who qualified for the housing or assistance? In this situation, the covered housing provider must provide you and other remaining household members an opportunity to establish eligibility or to find other housing. If you cannot or don't want to establish eligibility, then the covered housing provider must give you a reasonable time to move or establish eligibility for another covered housing program. This amount of time varies, depending on the covered housing program involved. The table below shows the reasonable time provided under each covered housing program with HUD. Timeframes for covered housing programs operated by other agencies are determined by those agencies.

Are there any reasons that I can be evicted or lose assistance? VAWA does not prevent you from being evicted or losing assistance for a lease violation, program violation, or violation of other requirements that are not due to the VAWA violence/abuse committed against you or an affiliated person. However, a covered housing provider cannot be stricter with you than with other tenants, just because you or an affiliated person experienced VAWA abuse/violence. VAWA also will not prevent eviction, termination, or removal if other tenants or housing staff are shown to be in immediate, physical danger that could lead to serious bodily harm or death if you are not evicted or removed from assistance. **But only if no other action can be taken to reduce or eliminate the threat** should a covered housing provider evict you or end your assistance, if the VAWA abuse/violence happens to you or an affiliated person. A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you receive an eviction or termination notice and prior to termination of tenancy.

What do I need to document that I am a victim of VAWA abuse/violence? If you ask for VAWA protection, the covered housing provider may request documentation showing that you (or a household member) are a victim. BUT the covered housing provider must make this request in writing and must give you at least 14 business days (weekends and holidays do not count) to respond, and you are free to choose any one of the following:

1. A self-certification form (for example, Form-HUD 5382), which the covered housing provider must give you along with this notice. Either you can fill out the form or someone else can complete it for you;
2. A statement from a victim/survivor service provider, attorney, mental health professional or medical professional who has helped you address incidents of VAWA violence/abuse. The professional must state "under penalty of perjury" that he/she/they believes that the incidents of VAWA violence/abuse are real and covered by VAWA. Both you and the professional must sign the statement;
3. A police, administrative, or court record (such as a protective order) that shows you (or a household member) were a victim of VAWA violence/abuse; OR
4. If allowed by your covered housing provider, any other statement or evidence provided by you.

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It is your choice which documentation to provide and the covered housing provider must accept any one of the above as documentation. The covered housing provider is prohibited from seeking additional documentation of victim status or requiring more than one of these types of documentation, unless the covered housing provider receives conflicting information about the VAWA violence/abuse.

If you do not provide one of these types of documentation by the deadline, the covered housing provider does not have to provide the VAWA protections you requested. If the documentation received by the covered housing provider contains conflicting information about the VAWA violence/abuse, the covered housing provider may require you to provide additional documentation from the list above, but the covered housing provider must give you another 30 calendar days to do so.
Will my information be kept confidential? If you share information with a covered housing provider about why you need VAWA protections, the covered housing provider must keep the information you share strictly confidential. This information should be securely and separately kept from your other tenant files. No one who works for your covered housing provider will have access to this information, unless there is a reason that specifically calls for them to access this information, your covered housing provider explicitly authorizes their access for that reason, and that authorization is consistent with applicable law.

Your information **will not be disclosed** to anyone else or put in a database shared with anyone else, except in the following situations:

1. If you give the covered housing provider written permission to share the information for a limited time;
2. If the covered housing provider needs to use that information in an eviction proceeding or hearing; or
3. If other applicable law requires the covered housing provider to share the information.

How do other laws apply? VAWA does not limit the covered housing provider's duty to honor court orders about access to or control of the property, or civil protection orders issued to protect a victim of VAWA abuse/violence. Additionally, VAWA does not limit the covered housing provider's duty to comply with a court order with respect to the distribution or possession of property among household members during a family break up. The covered housing provider must follow all applicable fair housing and civil rights requirements.

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. To request a reasonable accommodation, please contact [INSERT APPROPRIATE STAFF MEMBER CONTACT INFORMATION]. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Have your protections under VAWA been denied? If you believe that the covered housing provider has violated these rights, you may seek help by contacting [INSERT LOCAL HUD FHEO FIELD OFFICE & CONTACT INFORMATION]. You can also find additional information on filing VAWA complaints at https://www.hud.gov/VAWA and https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA. To file a VAWA complaint, visit https://www.hud.gov/fairhousing/fileacomplaint.

Need further help?
° For additional information on VAWA and to find help in your area, visit https://www.hud.gov/vawa.

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° To talk with a housing advocate, contact [ENTER CONTACT INFO FOR LOCAL ADVOCACY AND LEGAL AID ORGANIZATIONS].

Public reporting burden for this collection of information is estimated to range from 45 to 90 minutes per each covered housing provider's response, depending on the program. This includes time to print and distribute the form. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. This notice is required for covered housing programs under section 41411 of VAWA and 24 CFR 5.2003. Covered housing providers must give this notice to applicants and tenants to inform them of the VAWA protections as specified in section 41411(d)(2). This is a model notice, and no information is being collected. A Federal agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Definitions

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:
(1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
(2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) Where the existence of such a relationship shall be determined based on consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

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

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under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
(1) Fear for the person's individual safety or the safety of others; or
(2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

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CHAPTER 8 HOUSING OPPORTUNITIES THROUGH MODERNIZATION ACT (HOTMA)

On July 29, 2016, the Housing Opportunity Through Modernization Act of 2016 (HOTMA) was signed into law. HOTMA made numerous changes to statutes governing HUD programs, including sections of the United States Housing Act of 1937. Title I of HOTMA contains 14 different sections that impact the public housing and Section 8 programs. The Final Rule implementing broad changes to income and assets in Sections 102 and 104 of HOTMA, and for PHAs that administer the public housing program over-income provisions in Section 103, was officially published in the *Federal Register* on February 14, 2023. On September 29, 2023, HUD issued notice PIH 2023-27, which provided guidance to PHAs on the implementation of the program changes described in the Final Rule.

Notice H-2025-03 - Extension of Mandatory Compliance Date: Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA) notice extended HOTMA final rule compliance date to January 1, 2026. This Notice supersedes Notice H 2024–09, which extended the date by which Owners must comply fully with Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA) final rule until July 1, 2025.

Notice H-2025-07 - Section 6.2 of "Implementation Guidance: Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA)" (Notice H 2023–10) establishes a date of January 1, 2025, by which Multifamily Housing (MFH) Owners must be in full compliance with the HOTMA final rule.1 The purpose of this Notice 2025–07 is to extend the compliance date to January 1, 2027. Section 6.2 of Notice H 2023–10 requires Multifamily Housing Owners to be in full compliance with the HOTMA final rule and HUD's updated income and asset documentation requirements for income certifications having an effective date on or after January 1, 2025. HUD later published Notice H 2025–03 further extending the compliance date to January 1, 2026. This Notice however extends the compliance date to January 1, 2027. The requirement applies to Owners participating in the programs listed in section 4 (Applicability) of Notice H 2023–10. Revision of date: The compliance dates stated in section 6.2 of Notice H 2023–10 is hereby revised from January 1, 2025, to January 1, 2027.

THE HOUSING OPPPORTUNITY THROUGH MODERNIZATION ACT

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016. Title I of HOTMA contains 14 sections that affect the public housing and Section 8 rental assistance programs. This page serves as a clearinghouse for resources related to the implementation of Housing Opportunity Through Modernization Act of 2016 (HOTMA) provisions that affect programs administered by PIH.

The rule was officially published in the Federal Register on February 14, 2023. PHAs have until January 1, 2024, to implement the broader income and asset changes in Sections 102 and 104. For PHAs that administer the Public Housing program, the rule includes new Public Housing over-income provisions in Section 103 that become effective March 16, 2023. If implementation of these provisions requires a significant amendment, PHAs are required to complete all relevant

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PHA Plan changes. PHAs have until June 14, 2023 to implement fully all over-income requirements in the rule.

Highlights of Final Rule Implementing Sections 102, 103, 104 of HOTMA

The Final Rule implementing Sections 102, 103, and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA) delivers important benefits to tenants and reduces administrative burdens for public housing agencies (PHAs), multifamily housing owners (MFH owners), and participating jurisdictions. The highlights of the Final Rule are outlined below.

Section 102: Income Reviews

• Fewer Interim Reexaminations: HOTMA creates a 10% adjusted income increase/decrease threshold for conducting Interim Reexaminations, and in most cases requires that increases in earned income are not processed until the next Annual Reexamination, allowing families to keep more of their earnings before receiving a rent increase. The new requirements should lead to fewer Interim Reexaminations overall, alleviating burden for both participants and PHAs.

• Streamlined Verifications: Several provisions will streamline the verification process for housing providers.

o Adults Only Need to Sign Consent Form Once: HOTMA revises the required consent form that all adult household members sign, allowing them to sign the form only once instead of annually.

o Use of Income Determinations from Other Programs: HOTMA allows PHAs to use income determinations made under other federal benefits programs for reexaminations.

o Review of EIV Not Required at Interim Reexamination: HOTMA eliminates the requirement for PHAs to use EIV to verify tenant employment and income information during an interim reexamination, significantly reducing administrative burden.

• Increased Standard Deduction for Elderly/Disabled Households: HOTMA increases standard deductions for families with a head, co-head, or spouse who is elderly or a person with a disability.

• Additional Income Exclusions: The rule codifies additional income and asset exclusions, including:

o Amounts received from Medicaid or other state/local programs meant to keep a family member with a disability living at home

o Veterans' aide and attendant care

o Distributions of principal from non-revocable trusts, including Special Needs Trusts.

• Threshold for Claiming Medical/Disability Expenses Increased: HOTMA increases the allowance for unreimbursed health and medical care expenses from 3% of annual income to 10%, phased-in over two years.

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• Higher Threshold for Imputing Asset Income: HOTMA raises the imputed asset threshold from $5,000 to $50,000, incentivizing families to build wealth without imputing income on those assets.

• Hardship Relief: HOTMA provides hardship relief for expense deductions, lessening the impact of the increased threshold for medical expenses. HOTMA permits PHAs to grant hardship relief to families unable to pay rent because of unanticipated medical/disability expenses and families who are no longer eligible for the childcare expense deduction.

Section 103: Public Housing Income Limit

• Public Housing Income Limitation: HOTMA imposes continued program participation limits for families exceeding the statutory income limitation in the Public Housing program, also known as the "over-income" provision.

Section 104: Asset Limits

• Asset Limitation: HOTMA imposes a $100,000 asset limit for eligibility and continued assistance. Families are also ineligible for assistance if they own real property suitable for occupancy. PHAs have the option of delaying enforcement/termination for up to six months if the family is over the asset threshold at the time of annual reexamination.

• Exclusion of Retirement and Educational Savings Accounts: Retirement accounts and educational savings accounts will not be considered a net family asset. This is a major benefit to families, incentivizing savings for important life milestones and opportunities. This will also provide significant administrative relief to PHAs by allowing them to stop verifying and calculating these assets altogether.

• Self-Certification of Assets under $50,000: HOTMA allows self-certification of net assets if estimated to be at or below $50,000. This will be a time-savings for families and lower administrative burden for PHAs recertifying income.

Cross-Cutting

• Adjustments for Inflation: Deductions and the asset limitation will be adjusted for inflation annually, ensuring that deductions do not lose value over time and that families are able to build more wealth without losing program assistance. The current deduction amounts have never been adjusted.

HOTMA COMPLIANCE FOR MULTIFAMILY HOUSING

The Department of Housing and Urban Development (HUD) on May 29, 2025, officially delayed the Multifamily Housing compliance date for the HOTMA until January 1, 2026.

HUD's Notice H-2025-03, which is only seven sentences long, officially delays the HOTMA compliance date by six months; the agency had previously extended the deadline to July 1, 2025, but HUD has not finalized the systems, forms, or materials needed to move forward with HOTMA implementation by then.

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Today, HUD is setting the HOTMA compliance deadline for January 1, 2027. This extension applies to Owners in programs listed in Notice H 2023–10.

Revised Compliance Date: Implementation of Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA)

1. PURPOSE

Section 6.2 of "Implementation Guidance: Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA)" (Notice H 2023–10) establishes a date of January 1, 2025, by which Multifamily Housing (MFH) Owners must be in full compliance with the HOTMA final rule.1 The purpose of this Notice 2025–07 is to extend the compliance date to January 1, 2027.

2. BACKGROUND

Section 6.2 of Notice H 2023–10 requires Multifamily Housing Owners to be in full compliance with the HOTMA final rule and HUD's updated income and asset documentation requirements for income certifications having an effective date on or after January 1, 2025. HUD later published Notice H 2025–03 further extending the compliance date to January 1, 2026. This Notice however extends the compliance date to January 1, 2027. The requirement applies to Owners participating in the programs listed in section 4 (Applicability) of Notice H 2023–10.

3. REVISION OF DATE

The compliance dates stated in section 6.2 of Notice H 2023–10 is hereby revised from January 1, 2025, to January 1, 2027.

4. FURTHER INFORMATION

For questions regarding this Notice, please contact MFH_HOTMA@hud.gov.

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HOTMA Notice 2023-10 Guidance

Eligibility Area	HOTMA Reference and Guidance	Description
Implementation and Program Eligibility Criteria	HOTMA Notice 7.1	HOTMA Implementation Notice 2023-10 supersedes the guidance in the HUD Handbook 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs, Chapter 5, upon which the Tax Credit program relies to determine tenant eligibility. Income deductions and look back for annual recertification described in the HOTMA guidance do not apply to the HCA eligibility requirements.
Occupancy Household Composition	HOTMA Notice Attachment E.2	All occupants are counted for unit size and rental assistance (if applicable) and must be listed on the Tenant Income Certification (TIC) form.
Occupancy - Family Revised Definition	HOTMA Notice Attachment F.1	HUD revised the definition of annual income in § 5.609(a) for clarity. Annual income includes "all amounts received," not the amount that the "family" may be legally entitled to receive by court or agency orders but which they do not receive. (e.g., child support, alimony, etc.). Also include income from all assets, even if the asset is excluded from the net family assets.
Revised Annual Income	HOTMA Notice F.1	Annual income includes all amounts received from all sources by each adult family member who is 18 years of age or older, unearned income received by or on behalf of each dependent who is under 18 years of age, and all income from assets, supported by documented verification.

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Anticipated Income Calculation	HOTMA Notice F.1	All properties may continue using the anticipated annual income calculation for move-in and for recertifications (as applicable), considering verified current and estimated income in determining eligibility under the applicable income limits.
Revised Income Exclusions	HOTMA Notice Attachment G	Exclude unsecured and unverifiable income that is not known. Annual income only includes anticipated annual or current amounts received, not the amount the family may be entitled to receive through a court or agency order or other written payment agreement, but which they do not receive.
Revised Definition of Assets	HOTMA Notice Attachment F.4	All Assets are categorized as either "Real Property" (e.g., land, home) or personal property. The tenant certification must *Include all real property the tenant has a legal authority to sell * Include all non-necessary personal property with a total value over $50,000 * Exclude all necessary personal property * Exclude all non-necessary personal property with a total value of $50,000 or less

Net Family Assets Scenario	Actual Income	Imputed Returns	Amount Included in Income
Assets of $50,000 or less	Included	Not calculated	Actual income only
Exceeds $50,000 and actual income can be computed for ALL assets	Included	Not calculated	Actual income only
Exceeds $50,000 and NO actual income can be computed	N/A	Calculated using HUD passbook rate for all assets	Imputed returns for all assets
Exceeds $50,000, but actual income can only be computed for some assets	Included for assets that can be computed	Calculated for any remaining assets where actual income cannot be computed	Actual income that can be computed AND imputed returns for all remaining assets that cannot be computed

Revised Assets Exclusions	HOTMA Notice Attachment F.4.b	Asset Exclusions and Limitation on Assets Resource Sheet - in appendix

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Imputed Assets (Applies if $50,001+)	HOTMA Notice Attachment F.6.b	Through HOTMA, HUD raised the imputed asset threshold from $5,000 to $50,000, which will be adjusted annually for inflation. Asset income is calculated only for those assets where the actual income cannot be computed, and the total assets exceed $50,000. Only count actual asset income in the certification. Verified assets with 0% actual interest should not be imputed, even if the asset is over $50,000.
		All properties must use the HUD-published passbook rate. The Final Rule supersedes Notice H 2016-01. Imputed income must be calculated for specific assets when the net family assets (1) exceeds $50,000 (as adjusted for inflation), the specific asset is (2) included in net family assets, and (3) the actual income cannot be calculated for the specific asset.

2024 HUD Passbook Savings Rate (Table 2): Effective January 1, 2024

Adjusted Item	Regulatory Reference	Rate	Applicable Programs
Passbook Savings Rate	24 CFR 5.609(a)	0.40%	Section 8 PBRA, 202/8, 202/811 PRAC, 236 IRP, 811 PRA, SPRAC, HCV, Public Housing, Section 8 Mod Rehab, Section 8 Mod Rehab SRO, HOPWA, HOME, HTF

Under $50,000 Asset Self-Certification	HOTMA Notice Attachment F.7	The HOTMA Final Rule supersedes Rev. Proc. 94-95, which permits a tenant's sworn statement of assets instead of requiring verification for all assets. When the combined value of all net family assets has a total value equal to or less than $50,000, the family must include, on the $50,000 and Under Asset Self-Certification form that the net family assets do not exceed $50,000 and list the amount of actual income the family expects to receive from such assets.

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Dependent Student Earned Income Exclusion	HOTMA Notice Attachment G.8	Full-time students counted in the "family" are considered dependents, and their income is partially excluded. Only the first $480 of earned income is counted on the TIC form. The dependent earned income exclusion will be adjusted annually according to the Consumer Price Index for Urban Wage Earners and Clerical Worker (CPI-W).
Student Financial Assistance Income Exclusion	HOTMA Notice Attachment G.16	*HUD believes that it is appropriate to exclude student financial assistance, as defined in § 5.609(b)(9)(ii), from income regardless of whether the student is full or part-time. While HOTMA specifies that the student financial assistance exclusion is for full-time students, HUD is using its authority when defining income to provide the same student financial assistance exclusion for part-time students. If student financial assistance is paid to the student, the responsible entity must verify that the assistance meets the requirements."*
Documenting Tenant Eligibility and Maintaining Compliance	HOTMA Notice Attachment J.5	All properties must demonstrate efforts to verify tenant eligibility using acceptable verification methods before using a self-certification alone for the tenant certification. The PHA Income Certification may be used to verify eligibility for all properties. Properties with HUD or federal programs should rely on all income verification methods included in the HOTMA Final Rule and Implementation Notice 2023-10.

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Income Verification Source and Documentation	HOTMA Notice Attachment J.2 Verification Hierarchy	All verification methods included in the HOTMA Implementation Notice are acceptable for LIHTC and Loan programs, including The Work Number, pay stubs showing a minimum of two consecutive weeks of pay, current asset statements, or third-party employment verification. Properties must use due diligence in confirming anticipated annual income in the tenant certification. LIHTC properties with HUD programs must maintain separate files when the Upfront Income Verification using the Enterprise Income Verification (EIV) system.
"Safe Harbor" Income Verification for Tenants Receiving Fixed Income or Rental Assistance	HOTMA Notice Attachment J.5.a.	A Safe Habor verification is a third-party verification that includes the family size and the amount of the family's annual income. All properties may request an income certification from a Public Housing Authority (PHA) to document tenant eligibility. The PHA income certification must state the household size and annual gross income and be signed by the PHA.
Federal Programs Required Authorization for the Release of Information HUD-9886/HUD-9887 Forms	HOTMA Notice Attachment J.1	AHA properties should use the HUD Authorization for the Release of Information forms HUD-9886/HUD9887 to request income verification for households eligible for the "Safe Harbor" public assistance program income verification method. All adult applicants 18 or older in properties with HUD programs must sign the consent form at move-in and when a family member turns 18.
Fast Act Streamlined Income Determination	HOTMA Notice Attachment I.8	Streamlined income certifications may be used when 90 percent or more of the family's income is from a "fixed source." Annually, the family must certify that there has been no change in the fixed source(s) from the previous year.

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Electronic Records and Signatures	HOTMA Notice Reference 6.2	Per H2020-10, electronic signatures and records storage are acceptable for all properties in the Virginia Housing portfolio, except where not permitted by separate property program requirements or state or local laws.

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DEFINITIONS, GLOSSARY, AND ACRONYMS OF HOUSING TERMS

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Admission. The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.

Annual. Happening once a year.

Annual income. The anticipated total income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

Assets. (See *net family assets.*)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

Bifurcate. With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Child. *A* member of the family other than the family head or spouse who is under 18 years of age.

Childcare expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further their education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen. *A* citizen or national of the United States.

Cohead. An individual in the household who is equally responsible for the lease with the head of household. A family may have a cohead or spouse but not both. A cohead never qualifies as a dependent. The cohead must have legal capacity to enter into a lease.

Common space. In shared housing, the space available for use by the assisted family and other occupants of the unit.

Computer match. The automated comparison of databases containing records about individuals.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the

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IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

***Covered families*.** Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

***Dependent*.** A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

***Disability assistance expenses*.** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

***Disabled family*.** A family whose head, cohead, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disabled person. See *person with disabilities.*

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

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

***Elderly family*.** A family whose head, cohead, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

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***Elderly person*.** An individual who is at least 62 years of age.

Eligible family A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR. See also *family.*

***Evidence of citizenship or eligible status*.** The documents that must be submitted as evidence of citizenship or eligible immigration status. See 24 CFR 5.508(b).

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

***Family*.** Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in PHA policy.

- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining the family composition and family size)
- An elderly family or a near-elderly family
- A displaced family
- The remaining member of a tenant's family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family rent to owner. In the voucher program, the portion of rent to the owner is paid by the family.

Family share. The portion of rent and utilities is paid by the family. For the calculation of family share, see 24 CFR 982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

***Federal agency*.** A department of the executive branch of the federal government.

Full-time student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). See 24 CFR 5.603.

Gender identity. Actual or perceived gender-related characteristics.

Good cause. is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

Good standing. In compliance with the regulations regarding participation in the relevant rental assistance program and has either satisfied or are current on any debts owed the PHA or owner; and is in compliance with the regulations regarding participation in the relevant rental assistance program, including rent payments.

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

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HAP contract. The housing assistance payments contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

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

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Housekeeping. Refers to the management and routine support activities involved in maintaining an organized and clean physical environment, such as a home, office, or institution. Includes tasks like cleaning, tidying, cooking, and organizing to ensure the smooth functioning of the environment.

Housing agency (HA). See *public housing agency.*

HUD. The U.S. Department of Housing and Urban Development.

Imputed asset income. The PHA-established passbook rate is multiplied by the total cash value of assets. The calculation is used when net family assets exceed $5,000.

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

Income for eligibility. Annual income.

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment, wages, and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Individuals with handicaps. See a *person with disabilities.*

Inspection. Careful examination or closer look improving housing quality by performing accurate, credible, and reliable assessments of HUD's real estate portfolio. Prioritizes health, safety, and functional defects over appearance.

Institution of higher education. An institution of higher education as defined in 20 U.S.C. 1001 and 1002. See Exhibit 3-2 in this Administrative Plan.

Lease. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a

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family with housing assistance payments under a HAP contract between the owner and the PHA.

Live-in aide. A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

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

Living/sleeping room. A living room may be used as a sleeping (bedroom) space, but no more than two persons may occupy the space. A bedroom or living/sleeping room must have at least one window and two electrical outlets in proper operating condition. See HCV GB p. 10-6 and 24 CFR 982.401.

Low-income family. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

Medical expenses. Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3 percent of annual income.

Maintenance. The process of maintaining or preserving someone or something, or the state of being maintained.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Monthly adjusted income. One-twelfth of adjusted income.

Monthly income. One-twelfth of annual income.

Navigate. An organization that exists to ensure fair and equal access to housing in safe, healthy, revitalized communities.

Near-elderly family. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Net family assets. (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income

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distributed from the trust fund shall be counted when determining annual income under §5.609.

- In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

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

Overcrowded. A unit that does not meet the following HQS space standards: (1) Provide adequate space and security for the family; and (2) Have at least one bedroom or living/sleeping room for each two persons.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

Person with disabilities. *For the purposes of program eligibility*. A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Project owner. The person or entity that owns the housing project contains the assisted dwelling unit.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public housing agency (PHA). Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

Recertification. Sometimes called *reexamination.* The process of securing documentation of total family income is used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

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Remaining member of the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

Secretary. The Secretary of Housing and Urban Development.

Section 8. Section 8 of the United States Housing Act of 1937.

Section 8 covered programs. All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8 assisted housing for which loans are made under Section 202 of the Housing Act of 1959.

Section 214. Section 214 of the Housing and Community Development Act of 1980, as amended.

Section 214 covered programs. The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in 24 CFR 5.500.

Security deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

Sexual assault. Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a)).

Sexual orientation. Homosexuality, heterosexuality or bisexuality.

Single person. A person living alone or intending to live alone.

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Specified welfare benefit reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

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Tenancy addendum. For the assisted unit, the lease language required by HUD in the lease between the tenant and the owner.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent to owner. See *family rent to owner*.

Term of lease. The amount of time a tenant agrees in writing to live in a dwelling unit.

Unit. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

Utilities. Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Violence Against Women Reauthorization Act (VAWA) of 2013. Prohibits denying admission to the program to an otherwise qualified applicant or terminating assistance on the basis that the applicant or program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Waiting list. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

Waiting list admission. An admission from the AHA waiting list.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families.

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ACRONYMS USED IN THE MULTIFAMILY PROGRAMS

AAF	Annual adjustment factor (published by HUD in the *Federal Register* and used to compute annual rent adjustments)
ADA	Americans with Disabilities Act of 1990
AIDS	Acquired immune deficiency syndrome
BR	Bedroom
CDBG	Community Development Block Grant (Program)
CFR	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as "the regulations")
CPI	Consumer price index (published monthly by the Department of Labor as an inflation indicator)
EID	Earned income disallowance
EIV	Enterprise Income Verification
FHEO	Fair Housing and Equal Opportunity (HUD Office of)
FICA	Federal Insurance Contributions Act (established Social Security taxes)
FR	Federal Register
FY	Fiscal year
FYE	Fiscal year end
GAO	Government Accountability Office
GR	Gross rent
HA	Housing authority or housing agency
HUD	Department of Housing and Urban Development
IRS	Internal Revenue Service
IVT	Income Validation Tool
JTPA	Job Training Partnership Act
LBP	Lead-based paint
LEP	Limited English proficiency
OIG	HUD's Office of Inspector General
PHA	Public Housing Agency
PIH	(HUD Office of) Public and Indian Housing
QC	Quality control
SSA	Social Security Administration
SSI	Supplemental Security Income

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SWICA	State wage information collection agency
TANF	Temporary assistance for needy families
TR	Tenant Rent
TRACS	Tenant Rental Assistance Certification System
UA	Utility allowance
UFAS	Uniform Federal Accessibility Standards
UIV	Upfront income verification
VAWA	Violence Against Women Reauthorization Act of 201382

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