

Newburg Retirement Center
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TENANT SELECTION PLAN

PROJECT ELIGIBILITY REQUIREMENTS

NEWBURG RETIREMENT CENTER is a SECTION 202/8 PROJECT. Section 202/8 is defined as elderly/disabled.

ELDERLY FAMILY. (24 CFR 891.505) Elderly families are:

1. Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
2. The surviving member or members of a family described in paragraph (1) living in a unit assisted under subpart E of this part (Section 202 loans) with the now deceased member of the family at the time of his or her death;
3. A single person who is 62 years of age or older; or
4. Two or more elderly persons living together or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

DISABLED (HANDICAPPED)* FAMILY (24 CFR 891.505) Disabled (handicapped) means:

1. Families of two or more persons the head of which (or his or her spouse) is a person with disabilities (handicapped);
2. The surviving member or members of any family described in paragraph (1) of this definition living in a unit assisted under subpart E of this part (Section 202 loans) with the deceased member of the family at the time of his or her death;
3. A single person with disabilities (handicapped person) over the age of 18; or

4. Two or more persons with disabilities (handicapped persons) living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

PERSON WITH A DISABILITY (Handicapped Person).* (24CFR 891.505 and 891.305)

A person with disabilities means;

(A) Any adult having a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

(B) A person with a developmental disability, as defined in Section 102 (7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 (8)), i.e., a person with a severe chronic disability that

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the person attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitation in three or more of the following areas of major life activity;
 - Self-care
 - Receptive and expressive language
 - Learning
 - Mobility
 - Self-direction
 - Capacity for independent living
- Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinate

A person with a chronic mental illness, i.e., a person who has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and whose impairment could be improved by more suitable housing conditions.

(C) Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with HIV are eligible for occupancy in the section 202 projects designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person's disability. (24 CFR 891.505)

NOTE: A person whose sole impairment is alcoholism or drug addiction (i.e., who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Section 202 program.

(D) A person infected with human acquired immunodeficiency virus (HIV) and a person who suffers with alcoholism or drug addiction, provided they meet the definition of "person with disabilities" in Section 811 (42U.S.C.) 8013(k)(2). A person whose sole impairment is a diagnosis of HIV positive or alcoholism or drug addiction (i.e., does not meet the qualifying criteria in Section 811 will not be eligible for occupancy in a section 811 project. (24CFR 891.305)

NON-ELDERLY DISABLED (Handicapped)* FAMILY, (24 CFR891.505) A nonelderly disabled (handicapped) family means a disabled family in which the head of the family (and spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.

HUD STUDENT RULE (24 CFR Part 5, 880 et al.) No assistance shall be provided under Section 8 of the 1937 Housing Act to any individual who:

- a. is enrolled either full-time or part-time at an institution of higher education or other program leading to a recognized educational credential;
- b. is under 24 years of age; and
- c. is not married; or
- d. is not a veteran of the US Military; or
- e. Does not have a dependent child; or
- f. Is not disabled as was not receiving Section 8 assistance as of November 30, 2005; or
- g. Is not living with parents who are receiving Section 8 Assistance; or
- h. is not otherwise individually eligible or has parents who, individually or jointly are not eligible on the basis of income to receive Section 8 assistance

PRELIMINARY ELIGIBILITY

A. The owner reviews the application to ensure that there are no obvious factors that would make the applicant ineligible.

B. If a preliminary screening indicates that a family is eligible for tenancy, but units of appropriate size are not vacant, the owner will place the family on the waiting list for the property and notify the

family when a suitable unit becomes available. A final eligibility determination is made at the time the unit is available.

CITIZENSHIP REQUIREMENTS:

Only U.S. citizens or eligible non-citizens may receive assistance under Section 8, Section 236, Rent Supplement, Rental Assistance Payment (RAP), and Section 202/8 programs.

Each applicant, at the time of application will be given notification of the requirement either to submit evidence of citizenship or eligible immigration status or to choose not to claim eligible status.

1. Required Documentation of Citizenship/immigration Status
 - a. From U.S. citizens, copy of a legal birth certificate and a signed declaration of citizenship. A U.S. passport (current or outdated) may be substituted for the birth certificate.
 - b. From non-citizens 62 years and older, a signed declaration of eligible non-citizen status, documentation of naturalization, and proof of age.
 - c. From non-citizens under the age of 62 claiming eligible status:
 - (1) A signed declaration of eligible immigration status
 - (2) A signed consent form
 - (3) One of the DHS-approved documents
2. Non-citizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance, but must provide proof of eligibility status with 30 days or subsidy will be terminated.

Time-frames for Submitting Evidence of citizenship/immigration Status;

1. Applicants must submit required documentation of citizenship/immigration status within 10 days.
2. If the applicant cannot supply the documentation within the owner's specified time frame, the owner will grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation.
3. Applicant will be informed in writing if an extension request is granted and the new deadline for submitting the documentation. If the request is denied, the owner must state the reasons for the denial in written response. When granting or rejecting extensions, owner must treat applicants consistently.

4. The family's assistance will not be delayed if the family submits its immigration information in a timely manner, but the DHS verification or appeals process has not been completed.
5. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has submitted the required documentation in a timely manner, the family will be offered a unit and assistance will be prorated to those family members whose documents were received on time.
6. Prorated assistance will be provided until information establishing the immigration status of any remaining non-citizen family members has been received and verified.

Disclosure of social security numbers

The regulation at 24 CFR 5.216 requires that assistance applicants and tenants, excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status, to disclose and provide verification of the complete and accurate SSN assigned to them.

1. Applicants

(a) Applicants currently on or applying to waiting list

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

(b) Housing applicants from the waiting list

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

After 90 days, if the applicant has been unable to supply the required SSN and verification documentation, the applicant should be determined ineligible and removed from the waiting list.

2. Tenants

(a) Timeframe for providing SSN

All tenants, except those individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 (based on the effective date of the form HUD-50059, and those individuals who do not contend eligible immigration status), must disclose and provide verification of their SSN at the time of their next interim or annual recertification if they have not previously done so.

If a tenant who is not exempt fails to provide a valid and verified SSN, the household is subject to termination of tenancy in accordance with 24 CFR5.218.

If a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of the assistance, applicant may become a participant so long as the documentation required is provided within 90 calendar days.

Acceptable documents are;

- Original Social Security card
- Documentation issued by Social Security attesting to fact
- Driver's License with SSN
- Court records
- Life insurance policy
- Identification card issued by Federal, State or local agency
- Earnings statements on payroll stubs
- Bank Statements
- Form 1099

INCOME LIMITS

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families.

A. INCOME ELIGIBILITY

Except under limited circumstances, in order for an applicant to be eligible for occupancy, the applicant family's annual income must not exceed the applicable income limit. Income limits are based on family size and the

annual income the family receives. Income eligibility will be determined prior to approving applicant's tenancy.

INCOME LIMITS AND FAMILY SIZE

Income limits vary by family size (For example, 1 person, 2 persons) Section 8 Low, very low, and extremely low-income limits.

Income Limit	Median Income for the Area
Very low-income	50% of median income
Extremely low-income limit	30% of median income

All of these income limits are based on the median income for a metropolitan statistical area (MSA). This table shows the four income limits as a percentage of median income in an MSA.

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

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

Extremely Low-Income Family – An extremely low-income family is a family whose annual income does not exceed 30 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families.

TAKING APPLICATION FOR OCCUPANCY

ELIGIBILITY WILL NOT BE DENIED BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN, AGE, FAMILIAL STATUS, OR DISABILITY

ACCEPTING APPLICATIONS FOR OCCUPANCY

1. Application. Anyone who wishes to be admitted or placed on a waiting list must complete an application; all information must be kept current. If an applicant moves from the address listed on the application, then they must notify the office with a current address and or phone number to remain active on the waiting list. Applicants without a home address or phone number will be advised to use a post office and check in every week for incoming mail and or call the office on a weekly basis.

2. Applicant certification. The application must include a signature from the Applicant certifying the accuracy and completeness of information provided. Applicant will also be given Citizenship declaration and consent forms for signature.

All information received will be verified prior to initial move-in. Verification will be in accordance with the Privacy Act.

PRIVACY ACT

The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937 (42 U.S.C. 1437 et. Seq.), by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and by the Fair Housing Act (42 U.S.C. 3601-19). Revised regulation 24 CFR 5.216 requires that all applicants and tenants of assisted housing disclose and provide verification of the complete and accurate social security number assigned to them. This revised regulation excludes tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status.

Purpose: Your income and other information are being collected by HUD to determine your eligibility, the appropriate bedroom size, and the amount your family will pay toward rent and utilities.

Other Uses: HUD uses your family income and other information to assist in managing and monitoring HUD-assisted housing programs, to protect the Government's financial interest, and to verify the accuracy of the information you provide. This information may be released to appropriate federal, state, and local agencies, when relevant, and to civil, criminal, or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law.

Penalty: You must provide all of the information requested by the owner, including social security numbers for all non-exempt family members. Not providing the social security numbers will affect your eligibility. Failure to provide any of the requested information may result in delay or rejection of your eligibility approval.

Time Frame for Conducting Verifications:

Verifications will be conducted at the following three times:

1. Staff will verify income, assets, expenses, and deductions and all eligibility requirements prior to initial move-in.

2. Staff will verify each family's income, assets, expenses, and deductions as part of the annual re-certification process.
3. Staff will verify changes in income, allowances, or family characteristics reported between annual re-certifications.

Waiting List Preference:

Eligible applicants are selected in chronological order from the waiting list (first come, first served). Exception to this would be:

1. If the available unit is a handicapped unit, then it would be given to the first eligible handicapped application on the waiting list.
2. VAWA emergency transfer requests for existing tenants. (See VAWA section below.)
3. Disability: Disability (Handicap) (Section 504) as defined for Civil Rights Protections) Any condition or characteristic that renders an individual a person with disabilities (Handicaps). (Disabled Family: A family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aide).
4. Displaced person: A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
5. Not less than 40% of new openings in a year must go to tenants in the Extremely Low (EL) income category.

SCREENING

All screening activities will occur prior to approval of tenancy. Screening includes a national criminal history background check, a national sex offender lifetime check, credit history check, rental history and (through the use of UIV {Upfront Income Verification}), an Existing Tenant Report. The Existing Tenant Report will check each adult household member for current residency in a multi-family or public housing project. Should the screening identify an applicant currently residing in a multi-family or public housing project, where they are currently receiving subsidy, a landlord verification will be sent to ensure the applicant(s) have given a 30-day notice to vacate and the applicant(s) will moved out of the existing residency prior to processing the move-in to the new project.

HOUSEKEEPING HABITS

Personal home visit observations will be made within a 30 mile radius and/or a written document from independent sources can be referenced for determining tenancy for those outside city limits.

An applicant may be rejected for unacceptable housekeeping standards which include any safety and health hazards. Messy living quarters are not the same as safety and health hazards.

CREDIT HISTORY

An applicant may be rejected for a poor credit history, but will not be rejected for lack of a credit history.

Examples of poor credit history include, but are not limited to, unpaid or late paid rent, unpaid utility bills, current debts/monthly payments exceeding one-third of monthly income.

RENTAL HISTORY

Previous landlords will be contacted for this information. (Example: failure to cooperate with re-certification procedures, violations of house rules, poor rent payment, and evictions).

VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides legal protections to victims of domestic violence, dating violence or stalking. These protections prohibit owners/agents from eviction or terminating assistance from individuals being assisted under a project-based Section 8 program if the asserted ground for such action is an instance of domestic violence, dating violence or stalking.

The VAWA affords the owner/agent to request a tenant to certify that he/she is a victim of domestic violence, dating violence or stalking and that the incidence(s) of threatened or actual abuse are bona fide in determining whether the protections afforded under the VAWA are applicable.

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, or occupancy rights if the resident or an immediate member of the resident's family is the victim or the threatened victim of that abuse. An incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Form HUD-5382, *Certification of Domestic Violence, Dating Violence or Stalking*

All current tenants will be provided the option to complete form HUD-5382, *Certification of Domestic Violence, Dating Violence or Stalking*. This form will also be made available to all families at the time of admission

Form HUD-91067, *Lease Addendum for VAWA*

Form HUD-91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a tenant is clear and present, the law provides management the authority to bifurcate the lease, and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction of, or termination action against the individual, will be done in accordance with the procedures prescribed by federal, state, and local law. If such action is deemed necessary, an interim recertification will be processed reflecting the change in household composition.

CONDITIONS UNDER WHICH APPLICANTS MAY BE REJECTED

Owner will reject an applicant if the applicant:

Is ineligible for occupancy in a particular unit.

Does not sign and submit verification consent forms or the Authorization for Release of Information.

Has household characteristics that are not appropriate for the specific type of unit available at the time, or has a family of a size not appropriate for the unit size that is available. In such cases the applicant may continue to wait for another unit.

An applicant has been evicted in the last three (3) years from federally assisted housing for drug-related criminal activity.

An applicant has abuse of alcohol and/or use of illegal drugs that interferes with the health, safety and right to peaceful enjoyment of the premises by others.

An applicant is found to have been convicted of a felony in the past 10 years. This can include drug related, violent or other criminal activity.

An applicant is found to be registered on any National, State, or Local Sex Offender Registry.

Includes family members who did not declare citizenship or non-citizenship status. However owner will permit families to revise their application to exclude proposed family members who do not declare citizenship or eligible non-citizen status.

The family is a Full-Time Student Household. That is all members of the household are non-independent students as defined by the HUD Student Rule. (HUD-4350.3, Rev. 1, Chg. 2, Ch 3-12 and 3-33; Federal Register 24 CFR Parts 5.880 et al. *Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937*:

Final Rule: Federal Register Vol. 70, No. 250, Friday, December 30, 2005)

An individual is a non-independent student if she/he:

- is enrolled either full-time or part-time at an institution of higher education or other program leading to a recognized educational credential;
- is under 24 years of age; and
- is not married; or
- is not a veteran of the US Military; or
- does not have a dependent child; or
- is not disabled and was not receiving Section 8 assistance as of November 30, 2005; or
- is not living with parents who are receiving Section 8 assistance; or
- is not otherwise individually eligible or has parents who, individually or jointly are not eligible on the basis of income to receive Section 8 assistance

All applicants under the age of 24 that qualify as a full-time student must not be listed as dependents on another individual's tax return for at least the two past consecutive years.

If an applicant is rejected, they will receive a written rejection stating the reason for the rejection, the applicant's right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection and that persons with disabilities have the right to request reasonable accommodations to participate in the information hearing process.

UNIT TRANSFERS

Acceptable reasons for transfer:

1. Unit size
2. Disability (Handicap)

Unit size Transfers will be required if a tenant living in a studio unit (0 bedroom) has an increase in family size. According to Occupancy standards (2 people per bedroom) the tenant (s) would be transferred to a one bedroom unit when one became available.

Disabled: If a member of a tenant household becomes disabled with an impairment that requires special accessibility features and the tenant requests an accessible unit, owner will move that tenant into an accessible unit in lieu of making the tenant's existing unit accessible unit in lieu of making the tenant's existing unit accessible and usable. However, if a tenant needs only minor modifications to his or her unit, and does not need a fully accessible unit; the landlord will make the modifications and leave the fully accessible units available for tenants who need such units.

If a member of a tenant household is a person who does not need specific accessible features, but whose disability requires that they live on a particular floor or location on the floor, the owner will move that tenant household to the new unit. If such a unit is not available, the owner will assign the tenant to the next available unit that meets the need of the tenant. This accommodation must be based on the tenant's disability-related need for the particular floor or location on the floor, and not based on the tenant's personal preferences.

Current Tenants: Owner will first offer the unit to an individual with disabilities currently residing in a non-accessible unit in the project, who requires the features of the unit. A current tenant requesting an emergency transfer per the VAWA regulations will also be given priority.

WAITING LIST

Newburg Retirement Center maintains a waiting list of all applications received. Items included on waiting list:

- Date and time the applicant submitted an application
- Name of head of household
- Annual income level (ELI, VLI, LI)
- Identification of the need for an accessible unit
- Unit size
- Preference Type
- Removal/Move-In Date

Newburg Retirement Center as the right to close the waiting list in the following circumstances:

1. For one or more unit sizes when the average wait is excessive (e.g., one year or more).
2. When the owner closes the list, the owner must advise potential applicants that the waiting list is closed and refuse to take additional applications.
3. When the owner decides to no longer accept applications, the owner must also publish a notice to that effect in a publication likely to be read by potential applicants. The notice must state the reasons for the owner's refusal to accept additional applications.
4. If/when the waiting list is reopened, the owner must publish a notice to that effect in a publication likely to be read by potential applicants.

UPDATE WAITING LIST

To keep the list current a letter is sent twice yearly to each applicant asking if they wish to remain on the list. If the applicant does not respond within the specified deadline (3 weeks), their name is removed from the list.

If information is returned stating changes in the size of family, change in income, address, telephone number, the waiting list will be up-dated to reflect this changes and the applicant will retain the original application date.

Applicants name will be removed:

1. The applicant no longer meets the eligibility requirements for the property or program
2. The applicant fails to respond to a phone call or written notice for an eligibility interview or the address listed the first day an offer is made and hand delivered within a 30 mile radius by management is vacant and the applicant did not notify the office with an updated address.
3. The applicant is offered and rejects TWO units in the property
4. Mail sent to the applicant's address is returned as undeliverable or mail that is hand delivered on the day the offer is made with in a 30 mile radius and the address is vacant or the applicant no longer lives there.
5. When delivering any offers in person, and if the housekeeping habits are viewed as unacceptable.
6. The unit that is needed (family size as basis) changes and no appropriate size exists in the property.

If an applicant's name is removed from the list in error (i.e. incorrect address was used in sending mail) the applicant will be reinstated at the original place on the waiting list.

Applications will be retained as long as their status on the waiting list is active. Once the applicant is taken off the waiting list, all documentation pertaining to the applicant and supporting papers for removal from the list will be kept by owner for three years.

When an applicant moves in and begins to receive assistance, the application will be part of the tenant's file for the duration of the tenancy and for three years after the tenant leaves the property.

All personal information will be kept confidential.

Owner will select applicants from the waiting list and offer units in the order required by HUD rules and owner policies.

Applicant has the right to refuse one offer of a unit, but will be removed from the wait list after a second offer is refused. Applicant may reapply with new application.

When a unit becomes vacant, owner will select the next applicant from the waiting list based on available unit (handicapped or size of unit).

Applicant interview

Owner will notify applicant of available unit and make an appointment with applicant for an interview. The interview will confirm and update all information provided on the application. Owner will explain program requirements, verification procedures and penalties for false information. The penalties include eviction, loss of assistance, and fines up to \$10,000 and imprisonment up to five years.

The financial information on the application will be reviewed and applicant will be asked if there is any income or assets not reported on the application; document the applicant's response and put in file.

Head of household, spouse and any adult member of the household will be asked to sign a written certification as to whether any family member did/did not dispose of any assets for less than fair market value during the two years preceding the effective date of the certification.

After owner has obtained all information for income and other data to verify eligibility the tenant's share of rent will be computed.

Head of household, spouse, and any members over the age of 18 will be asked to sign the release of information consent portion of the Authorization

for Release of Information (HUD-9887/9887A) and any other necessary verification forms.

Applicant will be informed of the screening requirements used by the owner.

Signing the Lease

At the time of move in the owner will meet with the new tenant and review the lease assuring the tenant understands the terms of the lease. Owner will relay important information about resident rights, house rules and conditions for termination of assistance and tenancy. At the same time, information provided during tenant briefing topics gives tenants a clear understanding of the owner's responsibilities and better enables tenants to fulfill their own responsibilities.

EIV (Enterprise Income Verification)

The Enterprise Income Verification (EIV) system is an upfront income verification tool available to owners to validate tenant reported wage, unemployment and social security income during annual and interim recertification of income. It is a web-based application available to authorized program administrators of HUD's rental assistance programs that allows the administrator to verify income through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. It is also known as "Automated written third party verification". Management will utilize the EIV system as of September 30, 2009 and will be in compliance with the EIV system and will take steps to ensure technical, administrative and physical safeguards to ensure the privacy of all applicants/tenants, including ensuring that there is a current signed copy of form HUD-9887 on file for all adult tenants. EIV screening of applicants will only consist of residency screening in an effort to ensure applicants are not currently residing in another HUD subsidized community at the time of application processing. EIV screening for Multifamily and Public Housing for existing tenant search will be run on all applicants.

EIV Existing Tenant Search will be processed for all applicant(s) to ensure no "double subsidy" at the time of move-in. This screening will check each adult household member for current residency in a multi-family or public housing project. Should the screening identify an applicant currently residing in a multi-family or public housing project, where they are currently receiving subsidy, a landlord verification will be sent to ensure the applicant(s) have given a 30-day notice to vacate and the applicant(s) will

be moved out of the existing residency prior to processing the move-in to the new project.

EIV Income Report(s) will be processed for all new move-ins within 90 days of move in to ensure income reported matches income provided by the applicant(s). If warranted, corrections to income will be completed and retro-active to the move-in date of the applicant.

Other Briefing Topics:

- Signatures
- Term of lease
- Annual/interim recertification
- Use of Enterprise Income Verification System(web-based computer system containing employment and income information on individuals participating in HUD's rental assistance programs {see above})
- Rent
- Security deposit
- Other charges
- Maintenance/damages
- Rights and responsibilities
- General house rules

Charges at Initial Occupancy

Owner will collect from tenant at the time of occupancy the rent, maximum allowed security deposit, and any Pet Deposit that is appropriate.

Security Deposit

Section 8 project owners must collect one month's total tenant payment at the time of move-in.

The amount of the security deposit at move-in does not change when a tenant's rent changes.

The tenant is expected to pay the security deposit from his/her own resources.

At tenant's request, the owner will collect the security deposit on an installment basis. The entire Security Deposit must be paid in full within 3 months of move-in.

The security deposit is placed in an interest-bearing separate bank account from general operating funds and is refundable.

Exceptions:

Subject to state and local laws, an owner may use the tenant's security deposit as reimbursement for any unpaid rent or other amounts the tenant owes under the lease including damages to the unit.

Any unused balance will be refunded.

Pet Deposit

Pet rules apply only to tenants who own or keep cats or dogs in their units. This deposit is in addition to any additional financial obligation generally imposed on tenants.

The amount of pet deposit is \$300.00. The initial deposit cannot exceed \$50.00 at the time the pet is brought onto the premises. Remaining deposit can be paid in gradual increments of \$10.00 or more monthly until the entire deposit amount is reached. Or, the tenant can pay the entire amount if they choose to do so.

Assistance animals that assist persons with disabilities are considered to be auxiliary aids and are exempt from the pet policy and from the refundable pet deposit.

Owner will use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet on the property. Such expenses would include, but not be limited to, the cost of repairs and replacement to the unit, fumigation of the unit, and the cost of animal care facilities. The unused portion will be returned to the tenant when they move from the property or no longer owns or keeps a household pet in the unit.

OTHER CHARGES

- Utilities that are paid by the tenant.
- Returned check charge
- Unreturned key/lock charge amount.
- Third key, request of tenant.

UNIT INSPECTIONS

Move-in Before the lease is signed the owner and tenant will jointly inspect the unit. The unit form will indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary, and in good repair. If cleaning or repair is required, the owner will specify on the inspection form the date by

which the work will be completed. The date will be no more than 30 days after the effective date of the lease.

Both the owner and the tenant will sign and date the inspection form.

The tenant has 5 days to report any additional deficiencies to the owner to be noted on the move-in inspection form. The move-in form will be part of the lease, as an attachment to the lease.

Move-out Inspection. Tenants or family member should accompany the owner on the move-out inspection. If during the inspection, disagreements between the owner and the tenant regarding unit damage can be resolved up front.

If a tenant does not wish to participate, the owner may do the inspection alone.

If an owner determines that the unit is damaged as a result of tenant abuse or neglect, he/she may use the security deposit to cover the repair costs.

Wear-and-tear - The carpet is worn and has reached the end of its useful life.

Damage - A relatively new carpet has rips and tears.

Annual Inspections Annually the Manager along with the maintenance supervisor will inspect all units in the project. The tenants will be notified of the date their unit will be inspected. If the date selected is not convenient for the tenant the manager will assign one that is compatible for both tenant and manager. Any repairs/replacements that are found will be documented on the inspection form and maintenance will repair/replace immediately.

ANNUAL RE-CERTIFICATIONS

To ensure that assisted tenants pay rents commensurate with their ability to pay, HUD requires the following:

Owner will conduct a re-certification of family income and composition at least annually. Owner will then re-compute the tenants' rents and assistance payments, if applicable, based on the information gathered. Use of the Enterprise Income Verification (EIV) system will be used to help verify tenant employment and income information during annual recertification or interim recertification (*see page 17; Other Briefing Topics*).

If at the time of recertification, whether annual or interim, a household is determined to be a Full Time Student Household (see page 10 for definition), the owner cannot evict or require the ineligible student to move, as long as the student is in compliance with the terms of the lease.

Tenants must supply information requested by the owner or HUD for use in a regularly scheduled re-certification of family income and composition in accordance with HUD requirements.

Tenants must sign consent forms, and owners must obtain third-party verification of the following items and document them in the tenant file (or document why third-party verification was unavailable).

- A. Reported family annual income
- B. The value of family assets
- C. Expenses related to deductions from annual income
- D. Other factors that affect the determination of adjusted income.

Tenant will be given a HUD fact sheet describing how the tenant's rent is calculated.

Annual re-certification will be completed by the tenant's re-certification anniversary date.

Examples-

- If a family moves in on September 1, its anniversary date is September 1.
- If a family moves in on September 15, its anniversary date is September 1.
- If a family moves in on September 30, its anniversary date is September 1.

Notices

Owner will provide tenant with an Initial Notice. This notice serves to ensure that tenants understand that they will need to report to the property's management office by the specified date the following year to prepare for their next re-certification.

If needed, owner will provide up to two subsequent reminder notices.

Tenant must schedule a re-certification interview with the property owner or manager, collect information, as necessary, to verify income and family composition, and obtain signatures on consent forms to allow verification of income and other relevant characteristics from outside sources.

Verify family income, assets, and allowances.

Enter all required data into the owner's or service bureau's TRACS for calculation of the new TTP/tenant rent and assistance payment and conversions to an electronic file ready for submission.

Notify the tenant of any change in the TTP or tenant rent resulting from the recertification. For rent increases, a 30-day notice must be provided. Obtain the original signature of the head, co-head, spouse and all other adult members of the household on the HUD 50059 facsimile with the required data electronically generated by owner's software package. Owner representative signs the HUD 50059 facsimile and provides the tenant with a copy.

Provide the tenant with the Initial Notice for next year's annual recertification.

Notice Due Date

Initial notice should have been signed by the tenant at the previous year's certification/re-certification date

First Reminder Notice - should be mailed 120 days prior to the tenant's recertification anniversary date.

Second Reminder Notice - should be mailed at least 90 days prior to the tenant's re-certification anniversary date.

Third Reminder Notice - should be mailed at least 60 days prior to the tenant's re-certification anniversary date.

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance.

Definitions (504)

Accessible When used with respect to the design, construction, or alteration of a facility or a portion of a facility other than an individual dwelling unit, means that the facility or portion of the facility, when designed, constructed, or altered, can be approached, entered, and used by individuals with a physical impairment (handicaps).

Accessible, when used with respect to the design, construction, or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with a physical

impairment (handicap). A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 is accessible within the meaning of this paragraph.

Accessible Route A continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reach requirements of applicable standards prescribed by 24 CFR 8.32. An accessible route that serves only accessible units occupied by persons with hearing or vision impairments need not comply with those requirements intended to effect accessibility for persons with mobility impairments.

Adaptability The ability of certain elements of a dwelling unit, such as kitchen counters, sinks, and grab bars, to be added to, raised, lowered or otherwise altered, to accommodate the needs of persons with or without disabilities (Handicaps), or different types or degrees of disability. For example in a unit adaptable for a hearing-impaired person, the wiring for visible emergency alarms may be installed, but the alarms need not be installed until such time as the unit is made ready for occupancy by a hearing-impaired person.

Alteration Any change in a facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangements in structural parts, and extraordinary repairs. It does not include normal maintenance or repairs, re-roofing, interior decoration, or changes to mechanical systems.

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. For example, auxiliary aids for persons with impaired vision may include readers, Braille materials, audio recordings, and other similar services and devices. Auxiliary aids for persons with impaired hearing may include telephone handset amplifiers, telephones compatible with hearing aids, telecommunications devices for deaf persons (TTY) interpreters, note-takers, written materials, and other similar services and devices.

Disability (Handicap) - Any condition or characteristic that renders an individual a person with disabilities (handicaps). Owner will make the property physically accessible as well as operating and administering the property to enable persons with disabilities to have equal access to participate in the program.

Owner will take appropriate steps to ensure effective communication with applicants, tenants, and the public. Owner will use requests by persons with disabilities to determine which alterations and auxiliary aids are necessary.

When a determination is made, owners must seek alternative ways of presenting written communications to meet the individual's needs that, to the maximum extent possible, ensure that persons with disabilities receive the benefits and services of the program or activity.

OCCUPANCY STANDARDS

A Newburg Retirement Center guideline for admission is two-persons per bedroom. Families will be assigned a unit of appropriate size, taking into consideration all persons residing in the household. If after move -in a family's composition should change, owner will again review the size of the assigned unit. The owner will require the family to move to a unit of appropriate size. If a unit of appropriate size is not available, the owner will not evict the family and will not increase the family's rent to the market rent.

If a family refuses to move to the correct size unit, the family may stay in the current unit and pay the market rent. Owner will not evict the tenant for refusing to move but will evict the family if it fails to pay the market rent in accordance with the lease.

Newburg Retirement Center is a senior complex, but, owner will accept tenants with children. (E.g. a grandparent having to raise a grandchild).

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

Applicants and tenants presenting documentation showing the need for an assistance animal will be allowed to house the animal in their unit and they are exempt from the pet policy. Owners of these animals will not be required to pay a pet deposit.

PRESIDENTIALLY DECLARED DISASTER (PDD)

A Presidentially Declared Disaster is defined as a “major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act”. FEMA recommends that the President declare a major disaster or emergency and coordinates all relief efforts.

The Department of Housing and Urban Development considers emergency/disaster guidance to be most critical to ensure that the residents of HUD's multifamily housing properties live in decent, safe, and sanitary housing without discrimination. During times of crisis such as a natural disaster or other emergency, HUD has a responsibility to ensure that the residents can find quality housing in emergency situations and to assist the owners of multifamily housing in restoring damaged properties to a decent, safe, and sanitary condition as soon as possible.

OWNER/AGENT RESPONSIBILITIES

- Applying for assistance with FEMA, SBA, HFA's, etc.;
- Knowledge of HUD's Occupancy requirements and policies;
- Contacting the local HUD office following a disaster;
- Providing a status report for the residents and property condition;
- Ensuring that residents provide EMERGENCY contact numbers;
- Developing tracking mechanisms to contact residents and determine the intent to return to the unit;
- Develop a pre-disaster checklist that is shared with tenants in case of a disaster;
- Self-reporting to the National Housing Locator (Owners can go to this site to list unit availability);
- Determine the extent of damage, security needs, resident property protection needs, etc.
- Maintaining prompt communication with HUD field staff when providing preliminary and final assessment surveys to assist with recovery planning;
- Contacting the property's insurance provider to apply for property and business interruption claims;

- Contacting the mortgagee to inquire about forbearance options;
- Contacting the assigned Section 8 Contract Administrator or PBCA;
- Maintaining inventory of all residents, property, phone numbers, mailing address, and emails;
- Determining which residents have been displaced due to unit damage or a failure of a major building system such as the electrical system, etc.;
- Tracking each displaced resident's temporary location and maintain contact information for each displaced resident, particularly if the property will likely have units off-line for more than 30 days; and,
- Contacting the Federal Emergency Management Agency (FEMA) for on-going guidance and instruct residents to register with FEMA through 1-800-621-FEMA (3362), or www.fema.gov.
- Informing all displaced residents in writing at least 60 days prior to the expected date that the unit will be ready for re-occupancy. The notice must be issued via regular and certified mail to the resident's last known address.
- Exercising reasonable accommodations for persons with disabilities.

RESIDENT RESPONSIBILITIES

- Contacting the Federal Emergency Management Agency (FEMA) and submit an application for eligibility. Residents may register with FEMA by telephone, 1-800-621-FEMA (3362), or www.fema.gov . Residents impacted by the disaster must make an application with FEMA, receive an application number, and obtain a letter of eligibility from FEMA, which specifically describes the type of eligibility. To obtain temporary rental housing, an applicant must present the FEMA letter, which will identify the resident as displaced and eligible for housing assistance. The Department will rely upon FEMA eligibility determination when affording housing assistance relief; however, residents are advised to check with the local FEMA office for ongoing guidance;

- Contacting the insurance carrier to submit renters insurance claims for damage caused by the disaster (if applicable);
- Providing the owner/agent with current contact and emergency contact information to receive property status information regarding the re-occupancy schedule. When possible, residents should provide alternate contact information for a relative; and,
- Responding to owner/agent requests to return to the units. If the resident does not intend to return to the unit, they should immediately notify the owner/agent in writing in accordance with residency termination procedures.

If at any time changes are made (additions/deletions) to this selection plan, tenants will be notified of the changes.