

# Robin Ridge Apartments

## Tenant Selection Plan



# EQUAL HOUSING OPPORTUNITY



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**Fair Housing and Equal Opportunity Requirement Statements of Nondiscrimination:**

**Non-Discrimination**

1. It is the policy of this Property to comply fully with TITLE VI of the Civil Rights Act of 1964, TITLE VIII of the Civil Rights Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Amendments Act of 1988, and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

2. The Property shall not discriminate on the basis of race, color, sex, religion, age, disability, or national origin in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, the property will not:

- a) Deny to any applicant the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs.
- b) Provide housing which is different from that provided others.
- c) Restrict a person's access to any benefit enjoyed by others in connection with the housing program.
- d) Treat a person differently in determining eligibility or other requirements for admission.
- e) Deny a person access to the same level of service; or
- f) Deny a person based on their actual or perceived sexual orientation, or gender identity.
- g) Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

**3. Equal Access to Housing Regardless of Sexual Orientation, Gender Identity or Martial Status (Equal Access Rule)**

4. On February 3, 2012, HUD published a final rule entitled Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, which ensures that properties across HUD programs are open to all eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status. The rule includes the following provisions, which will be always upheld by the property:

- a) A determination of eligibility for this property will be made in accordance with the eligibility requirements provided by HUD and will be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- b) This property will not inquire about the sexual orientation or gender of an application or tenant for purposes of determining eligibility or otherwise making housing available.

**5. Definition for the Equal Access Rule**

The property will use the following definitions that are applicable to Equal Access Rule:

- a) The term family includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
- b) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- c) A group of persons residing together, and such group includes but is not limited to (1) a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); (2) an elderly; (3) a



near-elderly;(4) a disabled family; (5) a displaced family; and (6) the remaining member of a tenant family.

- d) The term *gender identity* means actual or perceived gender-related characteristics.
- e) The term *sexual orientation* means homosexuality, heterosexuality, or bisexuality.

## **6. Privacy Policy**

### **Personal Information**

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

Therefore, neither the Property nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. This Privacy Policy in no way limits the Property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner. This property is designated as a family property.

## **7. Violence Against Woman Act**

- a. It is this property's policy to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act Amendments of 1988, E.O. 13166, the Violence Against Women Act (VAWA) and any legislation protecting the individual rights of applicants, tenants, or staff which may subsequently be enacted.

- The Violence Against Women Act (VAWA, P.L. 109-62) and the Justice Department Reauthorization Act of 2013 protect housing assistance applicants and tenants or an affiliated individual (spouse, parent, brother, sister, or child of the victim or an individual to whom that victim stands in a parent/child relationship; or an individual, tenant, or lawful occupant living in the victims household) and is living in, or seeking admission to, any of the covered programs. VAWA protections are for all victims of domestic violence, dating violence, sexual assault, and stalking regardless of sex, gender identity, sexual orientation, or age who have been victimized or are survivors of domestic violence, dating violence and stalking, sexual assault as follows:

- Applicants or affiliated individuals cannot be denied rental assistance solely because they were previously evicted from an assisted site for being victims of domestic violence, dating violence, stalking, or sexual assault;
- Applicants or affiliated individuals cannot be denied assistance solely for criminal activity or other acts against them that were directly related to domestic violence, dating violence, stalking, or sexual assault;
- Tenants or affiliated individuals cannot be evicted, nor have their subsidies terminated solely because they were victims of domestic violence, dating violence, stalking, or sexual assault. Being a victim of domestic violence, dating violence, stalking, or sexual assault; does not qualify as a "serious or repeated violation of the



lease” or “other good cause” for eviction.

- The domestic abusers may be evicted and their names removed from leases. Remaining household members may continue residency as long as they are eligible.

If an applicant is a victim of domestic violence, dating violence, stalking, or sexual assault, certification of victim status will be required, which includes names of abusers, if known. Only victim service providers, medical professionals or attorneys who have counseled a victim can provide third-party verification of the applicant's/tenant's status as a domestic violence victim.

- b. The property shall not discriminate because of race, color, sex, familial status, religion, handicap, disability, or national origin in the leasing, rental, or other disposition of housing in any of the following ways:
  - Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs.
  - Provide housing which is different than that provided to others.
  - Subject a person to segregation or disparate treatment.
  - Restrict a person's access to any benefit enjoyed by others in connection with the housing program.
  - Treat a person differently in determining eligibility or other requirements for admission.
  - Deny a person access to the same level or services.
  - Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.
- i. It is the policy of this property, pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon approved requests to all applicants, tenants, affiliated individuals and employees with disabilities.
- ii. The property will do its due diligence to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the Property will make reasonable accommodations for individuals with handicaps or disabilities as well as for individuals with limited English proficiency, Oral Language Services such as interpretation, and Written Language Services such as translation (applicants or tenants).
- iii. This property will do its due diligence on placing the Fair Housing and Accessibility logos on all company documents.
- iv. The property will use the HUD form HUD-5382 for all multifamily housing programs for anyone seeking VAWA protection and will keep all information confidential and will not be entered into any shared databases.

Questions and inquiries regarding applicant treatment relative to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, E.O. 13166 or the Fair Housing Act Amendments of 1988 should be addressed by mail to the following person, responsible



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for related policies: Director of Operations, P.O. Box 1863, Fayetteville, NC 28302.

This person(s) is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.

### 8. **Federal Privacy Act of 1974/Act 5 USC 552a – Key Statutory Provisions**

Management, in compliance with the Privacy Act, is fulfilling its fiduciary responsibility by providing the following:

#### **Individual Notice**

Individuals are hereby given notice of the authority given HUD for management to obtain income information on all individuals applying to or currently living at the property. The principal purpose(s) for which the information is being collected and used is to determine eligibility and the amount of rent a tenant will pay. This is achieved through forms contained in a package of HUD forms called Applicant's/Tenant's Consent to the Release of Information, located at <http://www.hud.gov/offices/adm/hudclips/forms/files/9887.pdf>. Each applicant/tenant gives their consent to the release of information by signing the form HUD – 9887, the form HUD-9887-A, and the individual verification and consent forms that apply to them. It is a requirement to sign their forms at the time of move-in, annual recertification, and initial certifications. The effect on an individual for not signing the forms will be denial of assistance for an applicant, and termination of assistance for a tenant.

### 9. **Qualifying for Admission:**

Based on Federal Regulations, the Property may not admit ineligible applicants. In the selection of applicants for admission, eligibility criteria have been established in accordance with HUD guidelines. In order to be eligible, a household must meet the following requirements:

- a) The household must be composed of one or more persons, at least one of whom is 62 years of age or more at the time of application intake. If an applicant is not 62 years of age during the application intake, their application will be rejected and must reapply once they turn 62 years old.
- b) The head of household must be 18 years of age with a physical disability, developmental disability, and chronic mental illness. If the applicant does not meet the program criteria their application will be rejected.
- c) Family's annual income at or below program income limits. The current, applicable income limits will be posted in the site office. The income limits applicable at this property will be the Very Low-Income category and below.
- d) All applicants must disclose social security numbers (SSNs) for the owner to make an eligibility determination. This paragraph explains the requirements and responsibilities of applicants or residents to supply owners with this information, the responsibility of owners to obtain this information, and the consequences for failure by either part.
- e) The unit for which the household is applying must be the household's only residence.
- f) An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

### 10. **Social Security Number Requirements**

Applicants, including live-in aides, adult, and foster children, will be required to disclose and provide verification of the complete and accurate Social Security number assigned to them except for those



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individuals who do not contend eligible immigration status, or for residents who were age 62 or older as of 1-31-10, and whose initial determination of eligibility was begun before 1-31-10.

### **11. Exceptions to Disclosure of Verification of SSN**

In the **Section 8/Tax Credit** program the restriction on assistance to noncitizens applies, and the SSN requirements do not apply to the following individuals:

**a) Individuals who do not Contend Eligible Immigration Status in Section 8/Tax Credit Properties**

Individuals are required to declare their citizenship or immigration status. Management will use resident Citizenship Declarations on file and determine if any individual has not contended eligible immigration status. Such individual will not be subject to the requirement to disclose and provide verification of an SSN.

**b) Individuals Aged 62 or Older as of January 31, 2010**

If an individual is sixty-two or older as of 1-31-10, and their initial determination of eligibility was begun before 1-31-10, they are exempt from the requirement to disclose and provide verification of a Social Security Number. The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program. Documentation will be obtained from the O/A where the initial determination of eligibility was determined prior to 1-31-10, which verifies the applicant's exemption status, and will be retained in the resident file.

**c) Adding household members after move-in**

For a new member, regardless of age, who has a social security number, SSN documentation must be provided no later than the processing of the certification that adds the new person to the household. If the new member is a child under 6 without a social security number, the household has 90 days to provide SSN documentation. An addition 90 days will be granted only if failure to provide documentation is due to circumstances beyond the tenant's control. If acceptable SSN documentation is not provided by the deadline date, eviction proceedings will begin to terminate tenancy of the household, since the household will be in non-compliance with its lease.

### **12. Required Documentation**

Each non-exempt assistance applicant and their household members must submit to management the complete and accurate Social Security Number assigned to them, and documentation of the numbers submitted. Allowable documentation is:

- a) A valid SSN card issued by the Social Security Administration (SSA)
- b) An original document issued by a federal or state government agency, which contains the name and SSN of the individual, along with other identifying information; or
- c) Such other HUD-allowable evidence of the SSN as indicated in Appendix 3 of HH 4350.3 REV-1.

### **13. Assistance Applicants**

Applicants do not need to disclose or provide verification of an SSN for all non-exempt household members at the time of an application intake and for placement on the waiting list. However, applicants



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must disclose and provide verification of an SSN for all non-exempt household members before they can be housed.

- a) 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 will be offered the available unit.
- b) The applicant who has not disclosed and provided verification of SSNs for all non-exempt household members must disclose and provide verification to management within 90 days from the date they are first offered an available unit.
- c) After 90 days, if the applicant has been unable to supply the required SSN and verification documentation, the applicant will be determined ineligible and removed from the waiting list.

### 14. Existing Residents:

Social Security Numbers must be disclosed, and verification provided for any household member who has not previously disclosed an SSN as of 1-31-10, at the time of the next Interim Recertification or Annual Recertification except for those individuals who do not contend eligible immigration status, or residents who were age 62 or older as of 1-31-10, and whose initial determination of eligibility was begun before 1-31-10.

15. The head of household will be notified when the EIV system identifies that a household member has provided an invalid SSN, so that the discrepancy can be resolved, the correct SSN disclosed and verified. If a resident or any member of a resident's household is assigned a new SSN, the SSN must be disclosed and verification provided to management at the time of receipt of the new SSN, or at the next Interim Certification or Annual Recertification.

### 16. Addition of a New Household Member:

When a participant requests to add a new household member, who is at least six years of age or under the age of six and has ***an assigned SSN*** to the family, the participant must disclose the assigned SSN and provide the Owner with the documentation verifying the SSN at the time of such request, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the Owner may not add the new household member until the family provides such documentation.

17. When a participant requests to add a new household member, who is under the age of six and ***does not*** have an assigned SSN, and was added to the household 6 months or less from the new move in date the participant must disclose the assigned SSN and provide the Owner with complete and accurate SSN assigned to everyone within (90) ninety calendar days of the child being added to the household.

18. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the Owner is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, if the Owner determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc.



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19. The child is to be included as part of the assisted household and entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. Upon expiration of the provided timeframe, if the family has not complied with the SSN disclosure and documentation requirements, the Owner ***must terminate*** the family's tenancy or assistance, or both entire families.

**20. Penalties for Failure to Disclose and/or Provide Documentation of the SSN**

In accordance with 24 CFR 5.218, the following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

**a) Applicants:**

The Owner must deny the eligibility of assistance to an applicant if she/he (including each member of the household required to disclose his/her SSN) does not disclose an SSN and/or provide documentation of such SSN. However, if the family is otherwise eligible to participate in the program, the family may maintain his/her position on the waiting list for a period as determined by the Owner. The Owner should prescribe in its policies, the maximum time the family may remain on the waiting list, pending disclosure of requested information. If all household members have not disclosed their SSN at the time a unit becomes available, Management must offer the available unit to the next eligible applicant family on the waiting list.

**b) Applicants to the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program for Homeless Individuals, under 24 CFR 882, may be admitted to the program without providing the requested documentation (prior or at admission), however, the individual must provide the Owner with such documentation within ninety calendar days from the date of admission. (The Owner may grant the individual one 90-day extension, if in its discretion, determines that the individual's failure to comply with the SSN documentation requirement was due to unforeseen circumstances and outside the control of the family.) If upon the expiration of the provided time period, the individual fails to comply with the SSN disclosure and documentation requirements, the Owner must terminate the tenancy or assistance, or both of the individual.**

**c) Participants:**

The Owner must terminate the assistance of Section 8 program participants (the entire household) and terminate the tenancy of Public Housing participants (the entire household) if s/he (including each member of the household required to disclose his/her SSN) does not disclose his/her SSN and provide the required documentation.

- d) However, if the family is otherwise eligible for continued assistance or tenancy in the program, the Owner, at its discretion, may defer the family's termination and provide the family an opportunity to comply with the requirement within a period **not to exceed** 90 calendar days from the date the Owner determined the family noncompliant with the SSN disclosure and documentation requirement, if the Owner determines:**
- e) The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and**
  - f) There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.**
  - g) If the family is unable to comply with the requirements by the specified deadline, the Owner must terminate the tenancy or assistance, or both of the entire family.**





**21. Income Limits**

In order to be eligible for occupancy, household annual income must be at or below the very low-income limits (50% of median income) set by HUD. Income limits vary by family size and are published annually for each county or Metropolitan Statistical Area. Income limits are based on the median income of the geographic area for which the limit is established. Income limits are available online at <http://www.huduser.org/portal/index.html> or applicants can call management and request the current income limits. The income limits are posted on the bulletin board at the property.

**22. Authorization for Release of Information Requirements**

All adults in each applicant/resident household must sign the two HUD- required authorization consent forms, HUD 9887, and HUD 9887-A, prior to receiving assistance, and annually thereafter. Members who are at least 18 years of age, and each family member head, spouse, or co-head regardless of age, must sign form HUD-9887 at move-in, initial certification, and annual recertification. The form must also be signed when a new adult member joins the household, and no more than thirty calendar days following member turning 18 years of age. Refusing to sign these forms by any adult family member will cause the family to be ineligible for assistance and application being rejected. All adults regardless of whether they report income must sign both forms:

- a) Form HUD-9887, Notice and Consent for the Release of Information to HUD and to a PHA
- b) Form HUD-9887-A, Applicant's/Tenants Consent to the Release of Information – Verification by Owners of Information Supplied by individuals Who Apply for Housing Assistance.

23. When applicants are undergoing income limit tests, they are required to reveal all assets they own including real estate. They can own real estate, whether they are retaining it for investment purposes as with any other assets, or have the property listed for sale. However, they may never use this real estate as a residence while they live in HUD- assisted housing.

24. All information reported by the household is subject to verification.

25. All applicants must provide proof of citizenship or immigration status.

26. **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 nationals, or certain categories of eligible noncitizens, in the following HUD programs:

- a) Section 8 Housing Assistance Payments programs.
- b) Section 236 of the National Housing Act including Rental Assistance Payment (RAP); and
- c) Section 101/Rent Supplement Program

You have applied, or are applying for, assistance under one of these programs; therefore, you are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each of your family members for whom you are seeking housing assistance. You must do the following:

- a) Complete a Family Summary Sheet list all family members who will reside in the assisted unit.
- b) Each family member (including you) listed on the *Family Summary Sheet* must complete a *Citizenship Declaration* form. If there are ten people listed on the *Family Summary Sheet*, you should have ten completed copies of the *Citizenship Declaration* form. The *Citizenship*



*Declaration form* has easy-to-follow instructions and explains what, if any, other forms and/or evidence must be submitted with each *Citizenship Declaration form*.

- c) Submit the Family Summary Sheet, the Citizenship Declarations form, and any other forms and/or evidence to Management.
- d) This Section 214 review will be completed in conjunction with the verification of other aspects of eligibility for assistance. If you have any questions or difficulty in completing the attached items or determining the type of documentation required, please contact the rental office. He/she will be happy to assist you. Also, if you are unable to provide the required documentation, you should immediately contact this office and request an extension, using the block provided on the Citizenship Declaration Form. Failure to provide this information or establish eligible status may result in your not being considered for housing assistance.
- e) If this Section 214 review results in a determination of ineligibility, you will have an opportunity to appeal the decision. Also, if the final determination concludes that only certain members of your family are eligible for assistance, your family may be eligible for proration of assistance. That means that when assistance is available, a reduced amount may be provided for your family based on the number of members who are eligible.
- f) If assistance becomes available and the other aspects of your eligibility review show that you are eligible for housing assistance, that assistance may be provided to you if at least one member of your household has submitted the required documentation. Following verification of the documentation submitted by all family members, assistance may be adjusted depending on the immigration status verified. You will be contacted as soon as we have further information regarding your eligibility for assistance.

## **27. Citizenship Key Requirements**

Assistance in subsidized housing is restricted to the following:

- a) U.S. citizens or nationals; and
- b) Noncitizens who have eligible immigration status.
- c) All applicants for assistance must provide evidence of citizenship or eligible immigration status at the time of application.
- d) All family members, regardless of age, must declare their citizenship or immigration status by completing the Citizenship Declaration form.
- e) Noncitizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Noncitizen's age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.
- f) A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.
- g) Applicants who hold a noncitizen student visa are ineligible for assistance, as are any noncitizen family members living with the student.

## **28. Occupancy Standards**

- a) The household size must be appropriate for the available units. As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom.



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Management will take into consideration mitigating circumstances in cases where applicants or residents have a verifiable need for a larger unit.

- b) Children who are away at school who have established residency at another address or location is evidenced by a lease agreement are not counted in occupancy.
- c) A family placed in a unit size different than those defined in the Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available. (In accordance with the Transfer Policy and Lease Addendum).

**Note: In addition, in Section 202 PRAC projects, adult children are not eligible to move into a unit after initial occupancy unless they are performing the functions of a live-in aide and are classified as a live-in aide for eligibility purposes, and they have no rights to apartment after their parent no longer needs their care as required by UD regulations.**

- a) Dwelling units will be assigned in accordance with the following standards:

### **Maximum Persons Per Household**

<b>Bedroom Size</b>	<b>Minimum</b>	<b>Maximum</b>
<b>1</b>	<b>1</b>	<b>2</b>
<b>2</b>	<b>2</b>	<b>4</b>
<b>3</b>	<b>3</b>	<b>6</b>
<b>4</b>	<b>4</b>	<b>8</b>

## 29. **Determining Eligibility of Students for Assistance**

### Eligibility of Students for Section 8 Assistance

Owners determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim, recertification if one of the family composition changes reported is that a household member is enrolled as a student.

## 30. **Section 8 assistance shall not be provided to any individual who:**

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



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- i) For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While owners may use additional criteria for determining the student's independence from parents, owners must use, and the student must meet, at a minimum all the following criteria to be eligible for Section 8 assistance.
- j) Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.
- k) If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6

### The student must:

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

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

### 31. Department of Education Definition of Independent Student

- a. The individual is 24 years of age or older by December 31<sup>st</sup> of the award year;
- b. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- c. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- d. The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- e. The individual is a graduate or professional student;
- f. The individual is a married individual;
- g. The individual has legal dependents other than a spouse;
- h. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act)(42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by



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- I. a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
  - II. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director
  - III. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
  - IV. A financial aid administrator; or
- i. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

### 32. **Verification of student's independence from parents.**

When a student claims his or her independence from parents, owners must verify the student's independence from his or her parents by taking into consideration **all** the following. Owners must:

- a) Review and verify previous address information to determine evidence of a separate household, or
- b) Verify the student meets the U.S. Department of Education's definition of independent student.
- c) Review prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent (except if the student meets the Department of Education's definition of independent student.)
- d) Verify income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent(s) is not providing support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.
- e) Verify additional criteria established, if applicable, to use when determining the student's independence from parents. Verification would be obtained in accordance with the owner's policies.
- f) Verify the amount of financial assistance the student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education.

### 33. **Owners should also verify the following of student, if applicable:**

- a) Age of student
- b) If student has Dependent child (See the Glossary for Definition of Dependent Child)
- c) Is Married
- d) Institution of Higher Education. The owner will need to verify that the school where the student is enrolled meets the Department of Education's definition for an institution of higher education.
- e) Tuition
- f) Veteran status
- g) Disabled student was receiving Section 8 assistance on November 30, 2005.

The full amount of financial assistance in excess of amounts received for tuition and any other required fees and charges shall be considered income except if the student is over the age of 23 with dependent children or the student is living with his or her parents who are receiving Section 8 assistance and



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Financial Assistance provided by persons not living in the unit is not counted as annual income if the student meets the department of education's definition of "vulnerable youth."

### 34. **Being eligible, however, is not an entitlement to housing**

In addition, every applicant must meet the Resident Screening Criteria. The Resident Screening Criteria is used to demonstrate the applicant's suitability as a resident using verified information of income and assets, qualified deductions from income, previous landlord & character references, as well as credit, eviction, and criminal backgrounds to document the applicant's ability, either alone or with assistance, to comply with essential HUD regulations, lease provisions and any other rules and regulations governing residency. An Existing Tenant Search report will be used to determine if an applicant is currently receiving subsidy or currently resides in section 8 subsidy housing.

### 35. **Application Intake and Processing:**

- a) It is the Property's policy to accept and process applications in accordance with applicable HUD Handbook 4350.3 and all applicable HUD regulations.
- b) All applications can be filled out at the property, or the prospective tenant can take the application package and return it when complete.
- c) All communications with applicants will be by telephone and/or First-Class mail. Failure to respond to application notices in seven business days may result in withdrawal of an application from further processing.
- d) Management may make exceptions to the procedures described herein to consider circumstances beyond the applicant's control (e, g., medical emergencies, or extreme weather conditions).
- e) Every application must be completed and signed by the head of household, spouse, and every adult household member 18 years and older.
- f) All other members of the household will be listed on the housing application.
- g) Aiding assistance to applicants from management might take the form of answering questions about the application, helping applicants who might have literacy, vision, or language challenges, and in general, make it possible for interested parties to apply for assisted housing. Applicants with disabilities may be provided an alternative method of having their application processed because of their disability.
- h) An application must be completed by every applicant who wishes to be considered for an apartment. If an apartment is not immediately available, pre-application (brief for of application), which provides the minimum information need to determine if the applicant is eligible to be put on the waiting list, will be used.

### 36. **Supplement and Optional Contact Information**

- a) Management will provide all applicants the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. This form gives applicants the option to identify an individual or organization that the manager may contact and the reason(s) the individual or organization may be contacted. Management will not require applicants to provide the contact information, as providing contact information is optional. Those applicants choose not to provide the contact information will be asked to check the box indicating that they "chose not to provide the contact information," and sign and date the form.



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**37. Ineligible Applicants**

At the completion of the verification process, applicants will be ineligible to move-in into the property if:

- a) The applicant's gross annual income changes by the time they reach the top of the waiting list, and exceeds the income limit for the property;
- b) Household members have failed to meet disclosure requirements for Social Security numbers.
- c) Household member failed to sign the release of information forms; and
- d) Landlord reference checks reveal the applicant has a history of nonpayment of rent, eviction for nonpayment of rent, history of disruptive behavior, or history of damaging site property.

**38. Priorities for Accessible or Adaptable Apartments:**

- a) For apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, households containing at least one person with such impairment will have priority (as applicable for a particular apartment feature).
- b) Current residents in good standing, requiring accessible/adaptable apartments, shall be given priority over applicants requiring the same type of apartment. Where persons without disabilities are moved into apartments designed to meet special needs, they shall do so only after agreeing to move to an apartment with no such design features should an applicant or current resident require an accessible apartment of the type currently occupied by the persons without the disabilities.

**39. Waiting List Selection Priorities:**

A waiting list is necessary to provide a fair and equitable means of tracking applicants who have applied for an apartment. It helps assure that each applicant is offered an apartment in the proper order, thus preventing claims of discrimination or favoritism, and allows for the most efficient turnover of vacant apartments. If an applicant's name is on the waiting list it does not mean their application has been approved. To select those families most in need of housing, applicants will be selected from the waiting list based on chronological order and occupancy guidelines of when they applied. However, there may be instances when management will skip over applicants. The following instances will cause management to skip over applicants on the waiting list:

- a) Handicapped or disabled eligible families will be given preference when there is a unit available that is designated specifically for their use.
- b) Marketing of these units will be targeted towards potential residents who have incomes that do not exceed 50% of the area median income. To implement this HUD requirement, management will select the first very low to extremely low-income applicant on the waiting list (which may mean skipping over some applicants with higher incomes) for the available unit, and then management will select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, tenant selection will continue to alternate between the next very low to extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached.
- c) Within each of the above listed groups, approved applicants will be selected based solely on the date and time of application.

**40. Waiting List Management:**



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It is the policy of Management to administer its Waiting List as required by HUD handbooks and regulations. The waiting list will be updated periodically, at least twice a year.

- a) To maintain a balanced application pool, the Property will always maintain an open Waiting List. Management may not restrict application taking.
- b) The Property will also update the Waiting List by removing the names of those no longer interested in or no longer qualify for housing.

### **41. Change in Priority Status While on the Waiting List**

Occasionally households on the Waiting List who did not qualify for a priority when they applied will experience a change in circumstances that qualifies them for a priority. In such cases, it will be the household's duty to contact the Property so that their change in status may be verified to reflect the priority.

### **42. Assigning Units for Persons with Physical Disabilities**

The property will always give a household that has indicated a need for certain unit accommodations because of a disability, the opportunity to benefit from the HUD program in place at the property. The property asks the household to decide for itself, in compliance with Section 504 of the Rehabilitation Act, whether a unit meets the needs of the family. The property will notify the household whenever any unit becomes available, without regard to unit accessibility. The property will never prohibit an eligible household with a member who has a disability from accepting a suitable non-accessible unit if no accessible unit is available when the household reaches the top of the waiting list. If the applicant decides to accept a standard unit, s/he may request some modification to the unit as a reasonable accommodation.

### **43. Assigning Accessible Units**

If a unit becomes available that has either been made accessible under Section 504 or was originally designed for disabled households when the property was approved for funding, the property will first offer the unit to an individual with disabilities who is currently residing in a non-accessible unit who requires the features of the unit. If there is no such current resident, the property will offer the unit to the next qualified applicant on the waiting list who needs the features of the accessible unit.

When neither a current resident nor a qualified applicant requires the features of an available accessible unit, the property will offer the unit to another resident or applicant and will incorporate as an agreement to the lease that the resident will move to a non-accessible unit within the property when one becomes available. This agreement will also cover whether the resident or the property will pay for the cost of such a move.

### **44. Reasonable Accommodation**

The property will consider requests for reasonable accommodations from applicants/residents with disabilities, in order that they may benefit from the use and enjoyment of the dwelling units. The applicant/resident must be able to show that the requested accommodation is necessary, and that there is a strong, identifiable relationship between the requested accommodation and the individual's disability. If a household requests an accessible feature, policy modification, or other reasonable accommodation, the property will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program, or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the operations of the



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property. However, a request may be fulfilled by moving the household into an accessible unit by transfer.

### **45. Property will not remove an applicant's name from the Waiting List unless:**

- a) The applicant requests that their name be removed.
- b) The applicant was clearly advised, in writing of the requirement to tell the Property of his/her continue interest in housing by a particular time (7 days from the date of the letter) and failed to do so.
- c) The property made a reasonable effort, in writing to contact the applicant to determine if there was continued interest in housing but has been unsuccessful, or
- d) The property has notified the applicant, in writing, of its intention to remove the applicant's name, because the applicant no longer qualifies for assisted housing, or
- e) The applicant refused second offer of unit for other than medically related reason.

### **46. Interviews and Verification Process**

As applicant approach the top of the waiting list, they will be contacted to schedule an application interview. The interview shall be conducted in accordance with the current version of the HUD Handbook 4350.3.

- a) No decision to accept or reject applicants shall be made until all information presented by the applicant on the application has been verified.

### **47. Verification Requirements:**

Property shall obtain verifications in compliance with requirements set forth in the HUD Handbook 4350.3. No decision to accept or reject an application shall be made until verifications keyed by the application form have been collected and any necessary Follow-up Interviews have been performed.

### **48. Types of Verification Required**

All information relative to the following items must be verified as described in these procedures:  
Eligibility for Admissions, such as

- a) Income, assets, and asset income
- b) 62 years of age or older (Tenant or Co-Tenant)
- c) 18 years or older with disability (head of household)
- d) Household composition
- e) Documentation of Social Security Numbers of household members aged six and older or certification that Social Security has not been assigned.
- f) Signing of the Form HUD-9887 and HUD 9887-A
- g) Verification of disability – Verification of disability may need to be obtained to determine eligibility for a project preference, or an allowance, or to identify applicants for features of accessible units or reasonable accommodations. Management will not specifically ask for or verify the nature and extent of the disability.

### **49. Allowances, such as:**



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- a) Age, disability, or handicap of household members
- b) Full time student status
- c) Childcare costs
- d) Handicap expenses
- e) Medical costs (for elderly/handicap households only)

### **50. Priorities, such as:**

- a) Disabled household that needs features of handicapped/disabled unit.
- b) Income less than 30% of median income limits

### **51. Compliance with Resident Selection Guidelines, such as:**

- a) History of criminal activity including sex offender registry of any household member.
- b) Positive prior landlord reference, rent paying in a timely manner, caring for home.
- c) History for criminal activity of any household member
- d) Complying with the House Rules and Regulations.

### **52. Credit checks will be processed through approved credit bureaus with an approved credit rating.**

- a) Applicants are to have approved credit rating.
- b) Lack of credit does not necessarily mean poor credit.

#### **Exceptions include:**

- 1. Medical collections
- 2. Proof of satisfactory dispute of credit rating.
- 3. Applicant shows period of credit problems which have been corrected.
- 4. Applicant has proof of repayment of debt. Proof must be a statement of satisfaction from creditor, court, or other legal proof.
- 5. Absence of a credit file will not adversely affect the application.

**Note: All the above information must be documented, and appropriate verification forms or letters will be placed in the applicant or resident file.**

### **53. Period for Verification**

Only verified information that is less than 120 days old may be used for verification or recertification. Verifications may be extended for an additional 30 days with a telephone update. (A record of the update will be placed in the applicant's file). Verified information not subject to change (such as a person's date of birth) need not be re-verified.

### **54. Forms of Verification- Documentation required, as part of the verification process, may include:**

- a) Checklists completed as part of the interview process and signed by the applicant.
- b) Verification forms completed and signed by third parties.



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- c) Reports of interviews
- d) Facsimile, email, and internet
- e) Documentation, i.e., award letters, pay stubs, bank statements, IRS 1040, etc.
- f) IRS Tax Returns
- g) EIV Existing Tenant Search – to determine is applicant currently receiving HUD assistance.
- h) Notes of telephone conversations with reliable sources.
- i) Documentation provided by the household, such as Social Security Cards, Birth Certificates, or other acceptable forms as outlined in the HUD 4350.3 Handbook.
  - I. At a minimum, such reports will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.
  - II. Management staff will be the final judge of the credibility of any verification submitted by an applicant. If the staff considers documentation to be doubtful, it will be reviewed by Management staff who will make a ruling about its acceptability. Management staff will continue to pursue credible documentation until it is obtained, or the applicant is rejected for failing to produce it.

### **55. Sources of Information-Sources of information to be checked may include, but not limited to:**

- a) The applicant by means of interviews.
- b) Present and former housing providers
- c) Present and former employers
- d) Credit checks
- e) Household social workers, parole officers, court records, drug treatment centers, physicians, clergy
- f) The Department of Health and Human Services (HHS) Database of Wage, New Hires, and unemployment Compensation
- g) The Social Security Administration (SSA)
- h) Medicare/Medicaid
- i) Law enforcement -federal, state, or local and/or criminal databases.
- j) “Dru Sjodin National Sex Offender Public Website
- k) Enterprise Income Verification (EIV) Existing Tenant Search
- l) Good Hire
- m) CoreLogic Safe Rent

### **56. Preferred Forms of Verification-Verifications shall be attempted in the following order:**

- a) Third party written.
- b) Copies of third-party documents provided by the household (i.e., Social Security or agency printout, award letter, pay stubs, bank statements, pharmacy printouts, payment book stubs for medical insurance premium, etc.)
- c) Third party oral with a record kept in the files
- d) In the absence of any of the above, affidavits from the household
- e) Each file will be documented to show that the property staff attempted to obtain third party written documentation before relying on some less acceptable form of information.



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**Note: If third party verification is not available, then the file will be documented to show that management attempted to obtain third- party written documentation before replying on some less acceptable for of information. In order to process each application as quickly and accurately as possible, third-party verifications must be received with in ten (10) days.**

**57. Attempted Fraud:**

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission based on attempted fraud. The Property considers false information about the following to be grounds for rejecting an applicant:

- a) Income, assets, household composition
- b) Social Security Numbers
- c) Preferences and priorities
- d) Allowances
- e) Previous residence history or criminal history
- f) Unintentional errors that do not because preferential treatment will not be used as a basis to reject applicant.

**58. Rejection Criteria of Application of Ineligible or Unqualified Applicants:**

The Property complies with applicant rejection requirements set forth in the HUD Handbook 4350.3. Management reserves the right to reject applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the following categories, including but not limited to:

- a) **Security Deposit: Applicant does not have sufficient funds to pay security deposit.**
- b) **Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government dwelling unit.  
**NOTE:** Incomplete applications will be rejected.
- c) **Failure to Provide Required Documentation:** Includes not providing proper documentation regarding Social Security Numbers of household members aged six and older. Not signing the Authorization to Release of Information form (HUD 9887 and HUD 9887-A). Not providing evidence of US citizenship or eligible immigration status within time frames outlined in the HUD 4350.3 Handbook.
- d) **Violent Behavior:** Includes evidence of acts of violence or of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
- e) **Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
- f) **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.
- g) **Owing Utility Providers:** Applicants who owe a balance to the local utility provider for present or prior residences will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have



changed sufficiently to enable the family to pay and maintain utilities in the name of the head of household.

- h) **Obtaining Any Type of Unauthorized Federal Assistance:** Applicants who owe a balance to any Federal Agency or Program due to applicant receiving any type of unauthorized Federal Assistance.
- i) **Unsanitary or Hazardous Housekeeping:** Includes generally creating any health or safety hazard through acts of neglect and causing or permitting any damage to or misuse of premises and equipment, if the family is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use, in a reasonable and proper manner, all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.
- j) **Credit History:** A consistent, severe, or recent history of deficiencies in overall credit or rent payment which indicate the family will be unable or would otherwise fail to pay rent when due for the apartment and other expenses relating to occupancy of the apartment. The review period of credit will be within the last 5 years of date of the application. Any one of the following items will cause an application to be rejected for poor credit:
  - I. Any non-discharged bankruptcy within the last six months.
  - II. Any unpaid judgment related to real estate or rental within the last 5 years.
  - III. Any (1) eviction from previous housing for non-payment of rent within the last 5 years.
  - IV. Any record of foreclosure related to real estate with the last five years.

**NOTE:** Poor credit due to medical bills is not grounds for the rejection of an application. The absence of a credit file will not adversely affect the application.

- k) **Use of Marijuana:** Recently, several states have legalized the use of marijuana specifically for medicinal purposes. Regardless of the purpose of legalization under state law, the use of marijuana in any form, is illegal under the Controlled Substances Act (CSA) and therefore is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act 1988 (QHWRA). Based on Federal Law, new admissions of medical marijuana users are prohibited. QHWRA requires that owner/agents establish lease standards that prohibit admission based on the illegal use of controlled substances including state legalized marijuana. State laws that legalize medical marijuana directly conflict with QHWRA and thus are subject to federal preemption.
- l) **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are as follows:
  - I. Any conviction or adjudication other than acquittal for violent crimes and felonies in all states, including but not limited to criminal homicide, manslaughter, robbery, assault, arson, etc. within the last 10 years.
  - II. Any conviction or adjudication other than acquittal for the sale, distribution, or manufacture of any controlled or illegal substance.
  - III. Any conviction or adjudication other than acquittal within the last ten years involving illegal use or possession of any controlled or illegal substance. Applicant must have successfully fulfilled terms of the sentence, including those of probation.





- IV. Any conviction or adjudication other than acquittal for non-violent crimes, the severity or existence of crime vary from state to state including, but not limited to other simple assaults, forgery, fraud, embezzlement, weapons, etc., within the last 10 years.
  - V. Any household in which any member is currently engaged in illegal use of drugs or for which management has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug interferes with the health, safety, and right to a peaceful enjoyment of the property by other residents.
  - VI. Any current illegal user or addict of a controlled or illegal substance.
  - VII. Sex Offenders: If the applicant or any household member has a conviction or adjudication other than acquittal, for any sexual offender, the applicant will be rejected.
  - VIII. Sex Offender Registration: If the applicant or any household member is subjected to registration under a state Lifetime sex offender registration program, the applicant will be rejected.
  - IX. Domestic Violence: If the applicant or any household member has a conviction or adjudication other than acquittal, for domestic violence, dating violence, sexual assault or stalking, the applicant will be rejected.
  - X. Any conviction or adjudication other than acquittal, which involved bodily harm to a child.
- m) **Eviction for Drug Related Criminal Activity:** If the applicant or any household member has been evicted in the last three (3) years from federally assisted housing for drug related criminal activity, the application will be rejected. Note: The only two exceptions to this provision are as follows: (1) the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or (2) circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
- I. Alcohol Abuse: If a determination is made that the applicant or any household member's behavior, from abuse, or pattern of abuse of alcohol, interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
  - II. Any conviction of adjudication other than acquittal, which involved first or second-degree murder.
  - III. Any member of the household who is subject to a state sex offender lifetime registration requirement.
  - IV. Management reserves the right to reject any application where any applicant's act which results in the persons.
59. **Review of Recommendations for Admission or Rejection:**
- a) If the applicant requests an additional interview to determine whether mitigating circumstances or reasonable accommodations would make it possible to accept his/her application, Management will do so based on Section 504 of the Rehabilitation Act of 1973.
  - b) If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is ineligible, rejection shall be authorized.
  - c) Management will follow the grievance process in compliance with requirements set forth in the HUD Handbook 4350.3





**60. Grievance Procedure – When Rejecting an Application, Management Will Rejection/Right to Appeal**

- a) All rejected applicants have the right to appeal.
- b) Applicants who are ineligible will be notified in writing within five (5) business days of the reasons for the rejection.
- c) The applicant will have 14 days from the date of the rejection notice to submit a request for an appeal. The request for an appeal must be either in writing to the property's office specified in the rejection notice, or orally to the person listed in the said rejection notification. At the discretion of the applicant, the appeal may be in written form or in the form of a meeting to discuss the reasons for rejection and circumstances to be considered.
- d) If the Applicant appeals the rejection, the Agent will set a date for the appeal meeting within five business days of receipt of the notification of appeal and will notify the applicant in writing of said appeal date. The meeting will be for the purpose of reviewing the written appeal of the applicant or to hear the verbal appeal of the applicant.
- e) The appeal meeting will be held within ten business days of notification of the applicant of said meeting. The Agent will provide an Owner Representative, who was not involved in the processing of the rental application or the original decision to reject the application, to hear or review such an appeal.
- f) The Agent will give the applicant a final decision of the appeal in writing within five (5) days of the appeal review or hearing.

**Note:** If you are a person with a disability, you have the right to request reasonable accommodation to participate in the informal hearing process

**Note:** Your response to this letter does not preclude you from exercising other avenues available if you believe that you are being discriminated against on the basis of race, religion, sex, national origin, familial status, or disability.

**61. Acceptance and Move-in of Eligible and Qualified Applicants**

- a) Determination for Rent and Security Deposit
- b) Monthly rent and security deposit amount will be determined in accordance with the federal regulations governing the housing program and state law.

**62. Offering an Apartment.**

- a) When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for that apartment type. If the applicant cannot be contacted within five (5) working days, the offer will be cancelled, and the apartment will be offered to the next applicant on the waiting list.
- b) In that event, the first applicant will be sent a letter requesting confirmation of its interest in remaining on the waiting list. If the applicant replies affirmatively, its application will retain its position on the waiting list. If the reply is negative, or if no reply is received within seven (7) business days, the application will be removed from the waiting list.
- c) If an applicant rejects the offer of an apartment twice, the applicant will be removed from the waiting list.



**63. PRIOR TO MOVE-IN / TENANT INTERVIEW**

Management will explain the HUD regulations regarding the following:

- a) Lease Requirements
- b) Security Deposit and refunds – applicant must pay before moving in
- c) Use of the HUD EIV System for all recertifications after move-in
- d) Annual Recertification/ Interim Recertification
- e) Unit Inspections.
- f) Community Policies (house rules, pet rules, etc.)
- g) Reporting Changes when the household compositions changes or there is a change in employment status or income increases of \$200 or more per month.
- h) Apartment must be the family's only residence; therefore, residents are not allowed an unexplained and/or extended absence from the premises for sixty (60) continuous days or for longer than 180 continuous days for medical reason.
- i) All adult members of the household, 18 years and older will sign the lease, community policies (house rules), and related documents.
- j) Applicant and management will inspect the apartment and sign the Move-In Inspection form
- k) Applicant will pay the first month prorated rent and next month rent if the move-in is after the 15<sup>th</sup>, of the month.
- l) Applicant will be given a copy of the Lease, the Move-in Inspection form, Community Policies, and the receipt for the Security Deposit and first month's rent.
- m) Applicant must have receipt of proof that the utilities have been transferred into their name.

**64. At Move-In**

Keys to the apartment will be issued to the household. After move-in, quarterly unit inspections will be completed as well as annual and interim certification will be completed.

**65. Failure to Move-In on Time**

If a household fails to move -in on the agreed date, the application will be declined, and the apartment will be offered to the next household on the waiting list unless there are extenuating circumstance.

**66. Apartment Inspections**

All apartments must undergo a move-in and move-out inspection by the on -site management team. These inspections include not only interior but also exterior inspections. There will be quarterly inspections conducted regularly.

**67. Annual Recertification**

HUD regulations require an annual recertification of income and expenses for rent determination. Interim recertifications depend upon certain resident changes such as adding another person to your household, change in income, increase, or decrease. This policy will be discussed during the initial recertification process.

**68. Unit Transfer Policies:**

- a) Unit transfers are prohibited except in the case where required by regulations, overcrowding, underutilized, and ineligible tenants.



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- b) A transfer will also be allowed to accommodate a request by a person with a disability(s). A written request for the transfer will be required, with management reserving the right to verify the reasonable accommodation request with a qualified third party.
- c) The tenant who transfers will be responsible to pay all costs associated with the move. If the transfer is due to a reasonable accommodation for a household's disability, then management may pay the costs of the move (this will be determined on a case-by-case basis).
- d) The tenant's original Security Deposit will be transferred to the new unit. The tenant will be required to pay any outstanding balance (if any) of the original Security Deposit before transferring. Any outstanding charges from the previous unit will remain on the tenant's ledger until paid in full, by the tenant. A payment plan arrangement may be put in place.
- e) Management will transfer existing Tenants before moving applicants in from the waiting list.

### **Emergency Transfers Under VAWA**

This emergency transfer plan is for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

#### **Emergency Transfers**

Andrews Garden is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), Andrews Garden allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of Andrews Garden to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Andrews Garden has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that Project Based Rental Assistance or Public Housing is in compliance with VAWA.

#### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer,

- if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.



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Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify Andrews Garden management office and submit a written request for a transfer to desired property. Andrews Garden will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under Andrews Garden's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

Andrews Garden will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives Andrews Garden's written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about Andrews Garden's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

Andrews Garden cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Andrews Garden will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. «community» may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If Andrews Garden has no safe and available units for which a tenant who needs an emergency is eligible, Andrews Garden will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, «community» will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.



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**Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking:

**Victims of Domestic Violence:**

NC Coalition Against Domestic Violence  
3710 University Drive Suite 140  
Durham, NC 27707  
Phone: 919-956-9124 or 1-800-779-SAFE (7233)

**Victims of Dating Violence:**

NC Coalition Against Dating Violence  
3710 University Drive Suite 140  
Durham, NC 27707  
Phone: 919-956-9124 or 1-800-779-SAFE (7233)

**Victims of Sexual Assault**

NC Coalition Against Sexual Assault  
811 Spring Forest Road  
Raleigh, NC 27609  
Phone: 919-871-1015

**Victims of Stalking**

Victim Connection  
855-4-Victim (855-484-2846)



**69. Verification of Income through HUD's EIV System**

HUD's Enterprise Income Verification (EIV) system is an upfront income verification tool available to managers to validate wage, unemployment, and social security income during annual, interim, and initial certifications of residents' income. It is a web-based application available to authorized program administrators of HUD's rental assistance programs, which allows a manager to verify income through an independent source that systematically and uniformly maintains income information in computerized form for many individuals. It is also known as automated written third-party verification.

**70. Use of EIV Data and Reports**

Management has trained its staff regarding the use of all EIV data. Included in these reports are Income Reports which are used as a third-party source to verify residents' employment and income during mandatory recertifications of family composition and income, and Verification Reports, which are used to further assist management in reducing subsidy payment errors. Management has trained its staff to retain EIV data in residents' files for the term of tenancy plus 5 years after tenancy is terminated.

**71. Procedures for Using the Existing Tenant Search**

Management will use the Existing Tenant Search at the time of processing all applicants for admission, to determine if there may be applicants or applicant household members who are currently residing at another multifamily (MF) assisted property or Public/Indian Housing (PIH) property at the time of application processing. If it is found that an applicant is residing at a MF or PIH property, management will discuss this with the applicant, giving them the opportunity to explain their intention to move from their existing location. In addition, before admitting the applicant, management will contact the respective PHA or O/A to confirm the individual's program participation status, and if the individual has given a 30-day notice to vacate at their current property. Management will then coordinate the MI/MO dates with the PHA or O/A.

**72. Safeguards**

Management is currently in compliance with the EIV system and has established guidelines in the property's Policies and Procedures manual outlining technical, administrative, and physical safeguards for staff to implement for ensuring the security and confidentiality of resident records.

**73. Resolving Income Discrepancies**

Management will investigate and confirm possible discrepancies and errors to a resident's reporting of income. The property will not suspend, terminate, reduce, make a final denial of rental assistance, or take any other adverse action against an individual based solely on the data in EIV. When the employment and income data in EIV is not the same as reported by the resident, or when the resident disputes the EIV data, the property will independently verify any information by obtaining third party verification directly from the third-party source. The property will notify the resident of the results of the third-party verification and request the resident come into the office, within 10 days of notification, to discuss the results. The resident may contest the findings in the same manner as applies to other information and findings relating to eligibility.

**74. Pursuing for Fraud**

If the property determines that the resident is in non-compliance with his/her lease because he/she knowingly provided incomplete or inaccurate information, the property will follow the guidance in Par 8-18 of HH 4350.3 REV-1, for terminating the resident's tenancy and for filing a civil action against the



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resident to recover improper subsidy payments. Where fraud is suspected, the property will report this to the HUD OIG Office of Investigation.

### **75. Recalculating Rent Owed**

If the property determines that the resident unreported or underreported his/her income, management will go back to the time the unreported or underreporting of income started, not to exceed the 5-year limitation that the resident was receiving assistance discussed on forms HUD-9887 and HUD-9887-A and calculate the difference between the amount of rent the resident should have paid and the amount of rent the resident was charged. A record of this calculation will be provided to the resident and retained in the resident's file.

### **76. Resident Repayment of Unreported or Underreported Income**

Residents are obligated to reimburse the property if they are charged less rent than required by HUD's rent formula due to underreporting or failure to report income. The resident is required to reimburse the property for the difference between the rent that should have been paid and the rent that was charged. Residents can repay amounts due in a lump sum payment, by entering into a repayment agreement with the property, or a combination of the two.



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**IT IS THE POLICY OF REMNANT MANAGEMENT, INC. TO PROVIDE HOUSING ON AN EQUAL OPPORTUNITY BASIS. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, RELIGION, COLOR, SEX, FAMILIAL STATUS, NATIONAL ORIGIN, OR DISABILITY.**

**I hereby acknowledge that I received a copy of the Tenant Selection Plan. I have read the Tenant Selection Plan and agree to abide by the standards, policies, and guidelines defined or referenced within this document.**

**The information in this Tenant Selection Plan is subject to change. I understand that changes in the Tenant Selection Plan may supersede, modify, or eliminate the information summarized in this Tenant Selection Plan. As Remnant Management provides updated Tenant Selection information, I accept responsibility for reading and abiding by the changes.**



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