

TENANT SELECTION PLAN

Western Park Apartments

San Francisco, California
LIHTC with Section 8 Program
2022



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PROJECT INTRODUCTION

Western Park Apartments, L.P., a California limited partnership in San Francisco, California is an equal opportunity housing facility that provides affordable housing for low, very low, and extremely low-income elderly individuals and families through the **Department of Housing and Urban Development's (HUD) Section 8 and Low-Income Housing Tax Credit (LIHTC) programs.**

There are 182 units at **Western Park apartments (WPA)** for elderly individuals and families age 62 and over, or persons with disabilities age 62 and over (see Definitions). All 182 units are Tax Credit units available to households earning 50% of the area median income (AMI) as determined by the San Francisco Mayor Office of Housing and Community Development (MOHCD). Of the 182 total units, 114 are Section 8 units.

UNIT SIZE AND OCCUPANCY STANDARDS

Bedroom	Household Minimum	Household Maximum
0	1	1
1	1	3
2	2 or 1 (w/ live-in aide)	5

SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT

Residency is open to all qualified eligible persons in accordance with **The Fair Housing Amendments Act of 1988** which prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. Residency is also open in accordance with **Title VI of the Civil Rights Act of 1964** which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from **HUD**. Residency is open to all qualified eligible persons in accordance with any local and State recognized protected classes i.e. creed, ancestry, marital status, source of income, sexual orientation or any other arbitrary personal characteristics. **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from **HUD**. **WPA** does not discriminate based upon age for any reason, excluding **HUD** program/project requirements. All interested persons, applicants, tenants and the general public will be given information on LEP (Limited English Proficiency) and asked if they need any assistance in applying or completing any essential documents. For details, please request to see the Language Assistance Plan (LAP).

Additional Protections for Persons with Disabilities

WPA will make "reasonable accommodations" to individuals whose disabilities so require in accordance with **Federal** regulations and management policies. This includes the application process and residency period. For more information and the designated 504 Coordinator for the site, please refer to management's **Section 504 policy**.

A person, in order to be a tenant at **WPA**, must be capable of fulfilling the lease requirements. This means that the applicant must be able to meet all of his/her personal needs and be able to fulfill the lease obligations with or without assistance.

All potential eligible applicants will be considered in accordance with the marketing procedures of **HUD**. All applicants must comply with any applicable admissions requirements in **HUD and/or LIHTC Handbooks**.

The **Income Limits set by the San Francisco Mayor Office of Housing and Community Development (MOHCD)** apply to this property and applicants must meet specific income restrictions to be eligible for housing. This facility will house extremely low, very low and low-income elderly individuals and families, per program requirements. Please refer to the application letter for current income limits, and they are also posted in the office.

WPA reserves the right to alter their Tenant Selection Plan at any time. In such an event, management will provide applicants and residents with a 30-day notice.

PREFERENCES

WPA has permanently suspended **Federal Preferences**, in accordance with **HUD** directives. However, preference must be given to individuals and families displaced by government action or a presidentially-declared disaster. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change management's right to adopt and enforce tenant screening criteria (please refer to the **Income-Targeting procedure** within this Plan for further information). In the event of such a displacement by government action or a presidentially-declared disaster, selection of displaced applicants will follow in compliance with the **Income-Targeting procedure** as well.

ELIGIBILITY

To live at **WPA**, an applicant must be an eligible elderly individual or family (see Definitions) or an eligible disabled (mobility-impaired) individual or family, age 62 or older and meet the income and asset guidelines set by MOHCD.

APPLICATION PROCEDURES AND PROCESSING

Currently, the Waiting List is open. Applications must be submitted online through the SF Housing Portal- DAHLIA at: <https://housing.sfgov.org>. MOHCD is not accepting paper applications due to COVID-19. All individuals and households may enter the lottery for a unit. However, those households in which one member holds a Certificate of Preference (COP) from the former San Francisco Redevelopment Agency will be given highest preference in the lottery ranking process.

Households in which one member holds a Displaced Tenant Housing Preference (DTHP) Certificate from the Mayor's Office of Housing and Community Development will be given second highest preference in the lottery ranking process, for up to 20% of the units in the lottery. Applicants in each preference category must meet program requirements in order to complete the application process.

MOHCD will post the results of the lottery. Applicants at the top of the list are invited to complete a post lottery application online. Post lottery applications may also be picked up at the Management Office located at **1280 Laguna Street, San Francisco, CA 94115** between the hours of 9 AM and 4 PM, Monday through Friday. Requests for applications to be sent through the mail may be made by writing to the above address or by telephoning **(415) 922-5436; TTY: 1-800-735-2922** during the above business hours. Applications should be returned during business hours in person or via first-class mail. In the event the applicant is personally unable to complete the form, the person providing assistance to the applicant must sign and date the application indicating the application was completed at the direction of the named applicant. The application must be complete or it will not be processed.

All information will be verified in accordance with **HUD Regulations and Requirements**, as stated in **HUD Handbook 4350.3** and all revisions. Applicants will be required to sign appropriate forms authorizing management to verify any and all factors that affect the applicant's eligibility or the rent that the applicant will pay. All of this information may be released by HUD to other federal, State and Local Agencies, including the California Tax Credit Allocation Committee.

If an applicant fails to supply all necessary verification forms, information, or meet the requests of the application process, or cannot obtain verification of specific required information due to illegible forms/application, the application will be rejected. (Please refer to **Rejection Procedures** for further information.)

If the applicant is a person with disabilities, Management must consider extenuating circumstances where this would be required as a matter of reasonable accommodation.

Applications will be ranked for consideration (and units will be offered) according to the following descending order of priorities. (Priority determines the order of processing only, and in no-way changes the requirements that all potential tenants must meet the other criteria for resident selection):

1. MOHCD Preferences
2. Lottery list number assigned;
3. Date of availability of move-in.
4. Statutory Preferences:
 - Displaced by government action, or
 - A presidentially-declared disaster.

INCOME TARGETING

The Quality Housing and Work Responsibility Act of 1998 requires that each property assisted under a contract for project-based Section 8 assistance must lease not less than 40% of the Section 8 units, that become available for occupancy in that property’s fiscal year, to extremely low-income families (at 30% of AMI). To comply with this requirement, the following method is adopted:

Alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list. This may mean “skipping over” some applicants with higher incomes) for the available unit and then 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, we will continue to alternate between the next extremely low-income applicant and the eligible applicant at the top of the list.

WAIT LIST

It is the applicant’s responsibility to report changes to the application to **WPA** in a timely fashion and to contact **WPA** at least once every six months to confirm continued interest in obtaining a unit.

This contact must be done in the form of writing (e-mail is acceptable). **NO PHONE CALLS.** Or, contact may be initiated by **WPA** in the form of a routine letter/postcard, sent to all applicants on the Waiting List, requesting updated information, asking if they wish to remain on the Waiting List, and stating that if there is no response within fourteen (14) days, their name will be removed from the Waiting List without further notice.

Because there are two housing programs at Western Park Apartments – HUD Section 8 (subsidized) and LIHTC (non-subsidized) housing programs, two Wait Lists must be maintained – one designated as the “**Initial Application Wait List or “Initial”**” and the other designated as the “**In-House Section 8 Wait List or “In-House”**.”

A third wait list designated as “**In-House Transfer Wait List**” addresses transfer requests for 1) handicap accessible unit; 2) for unit change due to change in family composition; 3) for reasonable accommodation for medical reasons and 4) to accommodate transfer requests under VAWA. (For more information, please refer to the Section on “**Unit Transfer Policy,**” page 25.

- When a unit becomes available, in-place tenants requiring an accommodation transfer will be housed appropriately before we move in an applicant on the Waiting List. This allows management to treat current tenants having the greatest housing need prior to applicants on the Waiting List. In this manner, we are able to avoid displacing, through any action, current tenants whose housing needs have changed since admission.
- If an applicant on the Waiting List is offered an apartment and refuses the offered apartment, he or she may remain on the Waiting List if the refusal is for a verifiable medical reason. The applicant will move to the bottom of the Waiting List. Any other refusal reasons are considered valid reasons for refusal at management's discretion. In any event, a second refusal, for any reason other than one due to a disability, will cause the application to be rejected and the applicant's name removed from the Waiting List. This applicant may reapply in the future, at a time that applications are being taken.
- An applicant may be on more than one list as long as he/she qualifies for the size of unit he/she is applying for. (Such as 1 person in a 1-bedroom or 1 person in a studio unit or 2 persons for a 1-bedroom unit vs. 2-bedroom unit).
- Due to the Extremely Low-Income Targeting requirements, when an extremely low-income applicant is needed to achieve targeting requirements (see Income Targeting section on page 6), and the next applicant on the Waiting List has income above the extremely low-income limit, that applicant must be returned to the Waiting List. When we are ready to house an applicant with income above the extremely low-income limit, this applicant can be served. A notation will be made on the Waiting List indicating why this applicant was returned to the list rather than housed or withdrawn. We will then look for the first extremely low-income applicant on the list needing the appropriate bedroom size and qualifying for the top-ranked preference (This property does not have preferences).

If the available unit has no in-house Section 8 subsidy, new applicants to **WPA** are selected from the LIHTC program “**Initial**” wait list. These units will count toward the extremely low-income targeting requirement. Those families that are in need of Section 8 assistance are placed on the “**In-House**” wait list. The **In-House Section 8 Wait List** is maintained in chronological order by move-in date, shows the gross annual income for each household, and states whether the income falls at or below the 30% of area median income (AMI). Tenants whose income is 30% or below area median income will be given preference over tenants whose income exceeds 30% of area median income in consideration of the 40% requirement for extremely low-income residents according to the following method:

When a Section 8 subsidy unit is available, award is made according to alternating first from the **In-house Section 8 Wait List** (to move the first two residents from LIHTC into subsidized units with Section 8 assistance) and the third Section 8 subsidy is awarded to the “applicant” at the top of the from the **Initial Application Wait List**. Tenants will receive Section 8 assistance according to their place on the **In-House Section 8 Wait List** and the **Initial Application Wait List** (alternating (2) **In-House Section 8 Wait List** to (1) **Initial Application Wait List**.)

Currently the waiting list is open. When the number of names/families on the Waiting List for any particular size exceeds the annual apartment turn over for that size unit, the Waiting List may be closed. Management will advise potential applicants of the closure of the Waiting List and refusal to take additional applications. A notice will be prominently posted in the Management/rental office or reception area and in a local newspaper, stating the reason Waiting List is closed and the effective date of the closure. When the Waiting list is to be reopened, notice of this will be placed in the same local publication, as well as notifications sent to appropriate social service agencies stating when the Waiting List will be re-opened, as well as times and days that applications will be taken. This is done in accordance with the **AFHMP (HUD Form 935.2A)**.

- Due to the social security number requirements by HUD, an applicant may remain on the Waiting List until valid social security numbers and acceptable documentation to verify the social security numbers have been provided for all non-exempt household members (See SSN Section for exemptions). 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.
 - The applicant who has not provided required SSN information for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose/verify the SSNs.
 - During this 90-day period, the applicant may retain its place on the Waiting List.
 - After 90 days, if the applicant is unable to disclose/verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the Waiting List.

LIHTC applicants proof of citizenship or non-resident eligibility is not a condition of residency however, WPA Management will ask/confirm citizenship or non-resident eligibility status at time of in-take.

PROOF OF SOCIAL SECURITY NUMBERS

Effective January 31, 2010, new social security number requirements apply as follow:

1. Applicants do not need to disclose or provide verification of a SSN for household members to be placed on the waiting list. However, applicants on the Waiting List will be required to disclose and/or provide verification of the SSN for **all** non-exempt members of their household, regardless of their age, who declare themselves to be U.S. citizens, U.S. nationals or eligible non-citizens **before** they can be admitted (excluding Mod Rehabilitation SRO/Homeless Programs). [All current non-exempt residents must disclose SSNs for all household members by their next interim or annual recertification on or after 1/31/10, or termination of tenancy will occur with the appropriate notice.] Applicants who have not provided SSNs for all non-exempt household members may remain on the Waiting List (see Waiting List section). However, an otherwise eligible household may not be deemed eligible until all

household members have submitted valid SSNs and acceptable documentation to verify the SSN is correct. (Start applying for needed social security numbers/cards as soon as possible.)

2. When a current resident family requests to add a new household member, the new household member must meet all other eligibility and screening requirements and must submit the complete and accurate SSN assigned to the resident and to each member of the resident's household including persons under 6 years of age, and a valid SS card issued by the SSA or other verification resources provided by HUD, at the time of the request or at the time the recertification that includes the new household member is processed. We cannot add the new household member until the documentation is provided. If the new household member is under 6 years of age and never was assigned a SSN, we may complete the interim certification, but the SSN and verification must be submitted within 90 days. We will extend the deadline an additional 90 days if (1) failure to comply with the SSN requirements was due to circumstances that could not have been reasonably foreseen and were outside the control of the household, and (2) there is a reasonable likelihood that you will be able to disclose a SSN by the deadline. During the period we are awaiting documentation of a SSN, the child is entitled to all benefits of being a household member e.g. receive the \$480 dependent deduction, child care expenses, etc. *[We must terminate the tenancy of a resident and their household if the resident does not meet the SSN disclosure, documentation and verification requirements in the specified timeframe, as the household is in non-compliance with its lease. This termination of tenancy includes households who have not disclosed and verified the SSN for any child under 6 years of age who didn't have a SSN when added to the household with the understanding that this SSN would be provided within 90 days after admission, or within the 90-day extension period, if applicable. Termination of tenancy does not apply to the exemptions listed below unless there are other household members who have not disclosed or provided verification of their SSNs.]*

3. Exemptions are provided for:

- a) All participants, regardless of age, who have previously disclosed a valid SSN and have not been issued a new SSN, are exempt from having to re-provide their SSN for duplicative verification.
- b) Individuals who do not contend eligible immigration status.
- c) Individuals age 62 or older by January 31, 2010, whose initial determination of eligibility must have begun before January 31, 2010: (i) The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, which is applicable; (ii) Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. An owner/agent must not accept a certification from the applicant stating they qualify for the exemption; (iii) 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/her participation in a HUD-assisted program.

Example: Mary Smith does not have a SSN. Mary does not have to disclose or provide verification of a SSN because she was 73 years old as of January 31, 2010, and her initial eligibility for HUD's rental assistance program was determined when she moved into "ABC-Apartments" on February 1, 2009 (initial eligibility was determined prior to January 31, 2010). Mary moved out of "ABC-Apartments" on April 10, 2010 and moved in with her daughter who was not receiving HUD's rental assistance. Mary then applied to live at "DEF-Apartments", another HUD subsidized apartment complex, on November 5, 2010. Because Mary's initial eligibility was begun prior to January 31, 2010 (February 1, 2009), Mary is not required to meet the SSN disclosure and verification requirements as long as WPA can verify Mary's initial eligibility date at "ABC-Apartments" was begun prior to January 31, 2010.

An individual who has never been issued a SSN card or who has lost their SSN card may complete SSA form SS-5 - Application for a Social Security Card - to request an original or replacement SSN card, or to change information on his/her SSA record. This form is available online at www.ssa.gov or can be obtained at the local SSA office. WPA-Management will provide assistance in applying for a SSN to any applicant or tenant who requests

WPA will not include the full nine-digit Social Security Number in any communication.

PROOF OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS

Only U.S. citizens and eligible non-citizens may receive assistance from the federal rental assistance program. All applicants are required to complete the necessary paperwork required by HUD to determine citizenship, utilizing the Systematic Alien Verification Entailments (SAVE) program through the Department of Homeland Security (DHS). The required INS forms obtained for all non-citizens wishing to become residents. Applicants declaring that they are a citizen or national must provide a birth certificate, passport, or other document verifying citizenship.

An ineligible non-citizen (sole occupant) will not be admitted for occupancy. Ineligible non-citizens that are a member of a household that includes one or more eligible family members will be admitted for occupancy; however, the rental rate for the unit will be prorated according to the number of eligible family members and ineligible non-citizens in the household.

1. A mixed family includes citizens and/or eligible immigrants and one or more ineligible family member, who may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.
2. Families that were receiving assistance on June 19, 1995 under a program covered by the non-citizen rules are eligible for temporary deferral of termination of assistance. If the following applies:
 - a) Family has no eligible members; or
 - b) Mixed family qualifies for prorated assistance (and does not qualify for continued assistance) and chooses not to accept the partial assistance.

3. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.
4. Non-citizens (except those ages 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. Non-citizens 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 citizenship.

If the applicant cannot supply the documentation within the specified timeframe, management may 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. Although the extension period may not exceed 30 days, management may establish a shorter extension period based on the circumstances of the individual case. Management must inform the applicant in writing if an extension request is granted or denied. If the request is granted, management will include the new deadline for submitting the documentation. If the request is denied, management will state the reasons for the denial in the written response.

The initial deferral period is for six (6) months and may be extended for an additional six-month period, not to exceed 18 months. At the beginning of each deferral period, management must inform the household of its ineligibility for financial assistance and offer the household the information concerning, and referrals to assist in finding, other affordable housing. Before the end of each deferral period, management must determine whether affordable housing is available to the household and whether to extend the deferral of termination of assistance. Please refer to the HUD Handbook 4350.3, chapter 3, for more information and for deferral policies.

Under the LIHTC program proof of citizenship or non-resident eligibility is not a condition of residency however, WPA Management will ask/confirm the citizenship or non-resident eligibility status at time of in-take.

INDEPENDENT STUDENT STATUS

HUD recently published a final rule implementing a new law that restricts individuals who are seeking **Section 8** assistance and are enrolled at an institution of higher education. Section 8 assistance shall not be provided to any individual who:

1. Is enrolled as 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;
2. Is under 24 years of age;
3. Is not married;
4. Is not a veteran of the United States Military;
5. Does not have a dependent child;
6. Is not a person with disabilities, as such term is defined in section 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.

7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

Unless the student is determined independent from his or her parents, the eligibility of the student seeking Section 8 will be based on both the students and the parents being determined income eligible for Section 8 assistance. The parent's family income must be at or below the Low-Income limit for the state/county the parents reside in. If the parents are from another county, they must qualify under the income limits of the county where the housing is located.

A student under the age of 24 may be income eligible for the Section 8 assistance in circumstances where an examination of the income of the student's parents may not be relevant or where the students can demonstrate the absence of his or her independence from their parents. These practices and criteria include, but are not limited to consideration of all the following:

1. The individual must be of legal contract age under state law.
2. The individual must have established a household separate from or legal guardians for a least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student. Independent Student of Title IV aid also includes (in addition to married, veteran, have dependent children):
 - a) Be at least 24 years old by December 31 of the award year for which aid is sought;
 - b) Be an orphan or a ward of the court through the age of 18;
 - c) Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
 - d) Be a graduate or professional student.
3. The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
4. The individual must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. In cases where there are divorced parents, a separate certification from each will need to be obtained. This certification is required even if no assistance will be provided.
5. Any financial assistance a student received (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.
6. If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance of the household will not be prorated but will be terminated in accordance with the guidance in the HUD 4350.3.

Income “included” – Any financial assistance, in excess of tuition, provided to a student receiving Section 8 that does not reside with his/her parents would be considered income to that individual, unless the student is over the age of 23 and has a dependent child. Financial assistance does not include loan proceeds.

Income “excluded” – Financial assistance (scholarships & grants) of students who receive Section 8 that live with their parents will not be considered income to the family household.

ELIGIBILITY OF STUDENTS FOR OTHER ASSISTANCE PROGRAMS

1. This paragraph applies to the Rent Supplement, RAP, Section 221(d)(3) BMIR, Section 236, Section 202 PRAC, Section 202 or Section 811 PRAC programs. We must determine a student’s eligibility for assistance at move-in, initial or annual recertification, and at the time of an interim certification if one or the changes reported is that a household member is enrolled as a student at an institute of higher education.
2. The student must meet **all** of the following criteria to be eligible. The student must:
 - a. Be of legal contract age under State law.
 - b. Have established a household separate and distinct from parents or legal guardian for at least one year prior to application for occupancy or meet the U.S. Department of Education’s definition of an Independent Student; not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - d. Obtain a certification of the amount of financial assistance that will be provided by parents, legal guardians or other persons not living in the unit, signed by the individual providing the support during the next 12 months. This certificate is required even if no assistance will be provided.
3. The full amount of financial assistance paid directly to the student or to be educational institution and amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs, are excluded from annual income for the programs listed in 1, above.

TAX CREDIT STUDENT ELIGIBILITY

1. A household entirely occupied by full-time students is not acceptable unless one or more of the following criteria are met:
 - a. The students receive assistance under Title IV of the Social Security Act (Temporary Assistance to Needy Families or TANF, formerly AFDC);
 - b. The students are enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other Federal, State or local laws;

- c. The students are single parents with child(ren) and such parents and the child(ren) are not dependents of another individual;
 - d. The students are married and file a joint tax return or are eligible to file a joint tax return.
 - e. At least one household member was previously (not currently) under the care and placement responsibility of the State Agency responsible for administering a plan under Part B or Part E of Title IV of the Social Security Act (Foster Care).
2. The full amount of financial assistance paid directly to the student or to the educational institution and amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs are excluded from annual income for the programs listed in 1, above.

ENTERPRISE INCOME VERIFICATION (EIV)

EIV is a web-based computer system containing employment and income information on individuals participating in HUD's rental assistance programs. This information assists HUD in making sure the *right benefits go to the right* persons by reducing errors in determining a tenant's income, thereby reducing the number of improper payments in Multifamily Housing's rental assistance programs.

The income information in EIV comes from the Social Security Administration: 1) Social Security (SS) benefits, 2) Supplemental Security Income (SSI) benefits, 3) Dual Entitlement SS Benefits; and, the Department of Health and Human Services (HSS) National Directory of New Hires (NDNH): 1) Wages, 2) Unemployment compensation, and 3) New Hire (W-4). This information is used to meet HUD's requirement to independently verify your employment and/or income when you recertify for continued rental assistance.

Using the EIV system will determine if you: correctly reported your income; used a false social security number; failed to report or under reported the income of a spouse or other household member; receive rental assistance at another property.

We will utilize the Existing Tenant Report to determine if any applicants are currently residing at another HUD-assisted or Public Housing Authority (PHA) property at the time of application processing whereby an applicant could be receiving rental assistance. EIV will search HUD's and the PHA's databases, and if an applicant is living at another location, we will discuss this with the applicant so that the circumstances may be explained. We will follow up with the respective PHA or other HUD-assisted property to confirm the applicant's program participation status before admission.

All applicants must disclose if they are currently receiving HUD assistance. We will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit or who attempt to receive HUD assistance in two separate residences.

HUD provides the property with information about an applicant's current status as a HUD housing assistance recipient. **WPA** will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

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

- 1) Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit.

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

This information will be reviewed on an annual basis, at each annual certification. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

Because the LIHTC program cannot access the EIV system, third-party verification of income and assets will be required.

Equal Access to Housing Regardless of Sexual Orientation, Gender Identity or Marital Status

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 upheld by **WPA** at all times:

- A determination of eligibility 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.
- **WPA** will not inquire about the sexual orientation or gender identity of an applicant or tenant for purposes of determining eligibility or otherwise making housing available. However, it is possible that **WPA** may need to make inquiries into sex to determine the number of bedrooms to which a household may be entitled.

Definitions for the Equal Access Rule

WPA uses the following definitions that are applicable to the Equal Access Rule:

- The term family includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - A single elderly displaced person, disabled elderly person; or
 - A group of persons residing together and such group include, but are not limited to (i) an elderly family; (ii) a disabled elderly family; and (iii) a displaced elderly family.
- The term gender identity means actual or perceived gender-related characteristics.
- The term sexual orientation means homosexuality, heterosexuality or bisexuality.

INTERVIEW PROCEDURE

As an applicant(s) approaches the top of the Waiting List, or when an applicant is being offered (as in the case of a preference), an “Eligibility Notice” will be sent to schedule an appointment with management. On the “Eligibility Notice” a specific date will be mentioned to contact the office for an interview. The applicant(s) must reply to the letter by telephone or in writing. If the applicant does not reply within the indicated time period, the applicant will then receive a letter advising that their name is removed from the Waiting List.

At the time the applicant(s) is interviewed, all items on the application will be discussed and confirmed, and verification forms will be signed by the applicant authorizing management to verify all of these issues/items. Until all items are verified, eligibility cannot be determined, nor

any housing offered. Management must make an attempt to verify all factors with “third-party” written verification, per HUD and LIHTC Regulations and Procedures.

You will need to bring all applicable documents when you come in for your interview:

- PICTURE IDENTIFICATION CARD (driver’s license, ID card, etc.)
- SOCIAL SECURITY CARD (If you do not have one, you must contact your nearest Social Security office to apply for one. Unless you meet one of the exclusions that are notated, you cannot move in until all household members have their social security number. Please see SSN and Waiting List sections regarding the SSN requirements.)
- PASSPORT, RESIDENT ALIEN CARD, BIRTH CERTIFICATE
- THE MOST RECENT 6-MONTHS’ BANK STATEMENTS (for every bank account you have.)
- STATEMENTS OF ALL FORMS OF INCOME THAT YOU RECEIVE.
- RECORDS OF ANY OTHER INCOME OR ASSETS (in the USA or elsewhere in the world. This includes insurance policies with cash value.)
- PERSONAL REFERENCE LETTER (including NAME, ADDRESS AND PHONE NUMBER of person writing the letter. This person must be unrelated to you by birth or marriage.)
- LANDLORD INFORMATION (name, address, phone number, dates of any place you lived in the past five years and in all states that you have resided in since the age of 18.)

RENTAL, CREDIT, & CRIMINAL SCREENING CRITERIA

All applicants in a household will be screened for rental history, credit and criminal history, and general program eligibility prior to residency. This includes police officers or security personnel living on-site. The screening of live-in aides at initial occupancy and the screening of persons or live-in aides to be added to the tenant household after initial occupancy involve similar screening activities. Both live-in aides and new additions to the tenant household will be screened for drug abuse and other criminal activity.

As a part of the final eligibility determination, WPA will screen each applicant household to assess suitability. The same criteria will be used to screen new move-ins as well as live-in aides and new additions to an existing household. Police officers and other security that reside in subsidized units must also pass the same screening criteria as other applicants. Factors to be considered in the screening are housekeeping habits, care of property, rent paying habits and credit records, prior history as a tenant, household income, and criminal records. Following is a description of each of these factors and the method of verification to be employed:

Rental History – Landlord Reference Check

1. If a prior landlord reported the applicant(s) damaged property or lease violations, the applicant can be denied. This includes lease violations, disturbing the peace, harassment, and poor housekeeping habits, improper conduct or other negative reference against the

household. Any no fault eviction within the past three (3) years is automatically grounds for denial.

2. Management may accept a rental history of no more than two (2) late payments of rent in a six (6) month period, with verification of all charges paid and no more than one (1) NSF check in a one (1) year period. Anything beyond this specification can be grounds for denial.
3. Grossly unsanitary or hazardous housekeeping habits can be grounds for denial.
4. Any debt balance owing to a prior management company or housing complex will need to be paid prior to move-in.
5. Lack of rental history is not grounds for denial.
6. Under LIHTC applicants who have been homeless or who have lived in housing for which they were not financially responsible must provide references from person(s) with whom they have had a professional relationship to demonstrate their ability to meet the financial conditions of the lease. **(Letters of reference from family members will not be accepted.)**

Credit History

Immediate Family Member

A spouse, partner, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.

- a. Federal and State Tax liens within the past three (3) years are counted as a negative account. Prior to the three (3) year period we may request proof of payment/release on any Lien over \$1000.00 that is still on the applicant's credit history.
- b. Any amount showing owed to a prior management company can be grounds for denial. We reserve the right to ask for proof of payment.
- c. Any other item(s) that appear on the credit report, which would reflect negatively on the applicant, will be reviewed and a decision will be made based on the date, source, and amount of the action.
- d. Lack of credit history is not grounds for denial.
- e. We will review Mitigating Circumstances

Criminal Background Check

A contractor is hired to run a credit check and criminal check in compliance with the Fair Chance Ordinance on all applicants, and it will check court records for evidence of evictions or judgments against the applicant and evidence of criminal convictions. The purpose of these checks is to obtain information on the applicant's past history of meeting financial obligations and future ability to make timely rent payments and to abide by the federal laws regarding the prohibition of admitting any applicant with specific criminal activity including drug-related activity. **These standards are established to comply with the federal laws, and a household member who has been involved in the following will not be admitted under any circumstances:**

1. Any household containing a member(s) who was evicted from federally-assisted housing within the last three (3) years for drug-related criminal activity. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, management will review on a case-by-case basis.
2. Any conviction within the past five (5) years for illegal drug use, manufacture or distribution of a controlled illegal substance is grounds for denial.
3. Any conviction within the past five (5) years for any crime of violence, fraud, theft, or other crime which establishes that the applicant's tendency might constitute a direct threat to the health or safety of other individuals or result in the substantial physical damage to the property of others is grounds for denial.
4. Any conviction for any activity concerning sexual abuse or assault is grounds for denial. This includes, but is not limited to, any member of the household who is subject to a registration requirement under a nationwide sex offender registration program.
5. Any other felony conviction within the past five (5) years can be grounds for denial and will be reviewed on a case-by-case basis.
6. Any household member who is currently engaging in illegal drug use is grounds for denial. This can include a pattern of illegal drug use that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
7. Any household member who has a pattern of alcohol abuse that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants is grounds for denial or eviction and will be reviewed on a case-by-case basis.

CRIMINAL OR DRUG-RELATED ACTIVITY

Upon move-in, tenants sign leases requiring them to accept responsibility for the actions of individual household members, their guests, or other persons on the premises with their consent. No tenant, no member of the tenant's family or household nor a guest or any other person visiting a tenant shall engage in criminal activity on or near the apartment complex, including drug-related criminal activity, or other criminal activity or drug and alcohol abuse that threatens the health and safety of the tenants or staff or hinders the peaceful enjoyment of the housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution or use of a controlled substance (as defined in **Section 102 of the Controlled Substance Act**).

Neither tenant, nor member of the tenant's household or family, nor shall any guest or other person engage in any act intended to facilitate criminal activity, drug-related activity on or near the apartment complex. This includes the manufacture, sale or distribution of illegal drugs on or near the apartment complex or elsewhere.

Neither tenant, nor members of the tenant's household or family will permit the dwelling unit to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, family or a guest.

No tenant, nor shall any member of the tenant's household or family, guest or other person, engage in acts of violence, including, but not limited to, the unlawful discharge of firearms on or near the apartment complex.

Violation of the above provisions shall be a material noncompliance violation of the lease and good cause for termination of the lease. A single violation of any of these provisions shall be deemed a serious violation and material noncompliance with the lease. It is understood and agreed that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

REJECTION PROCEDURE

When an application is rejected by Management, the applicant is notified of this decision in writing. This written statement, which will be sent in a timely fashion, will include the reason(s) for the rejection, and state that the applicant has the opportunity to request a meeting with the Management to discuss the rejection. The applicant will be further instructed to request the meeting verbally or in writing within fourteen (14) calendar days of the date of the rejection letter.

If the applicant wants to request a meeting, the applicant's request should be directed or sent to **WPA** within fourteen (14) calendar days of the date of the rejection notice. The requested meeting will be held by the Lead Affordable Housing Manager who was not involved in the initial decision to deny admission or assistance. Within five (5) business days of Management's response or meeting, Management must advise the applicant in writing of the final decision on eligibility. All of this material (original application, rejection letter, applicant's request for a meeting, summary of the meeting and the final decision) will be kept for three (3) years in confidential files.

Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. Unlike HUD's admission standards which prohibit admission to federally assisted housing for any household with a member who the owner determines is illegally using a controlled substance (e.g. marijuana) or the owner has reasonable cause to believe that the illegal use may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the continued occupancy standards allow termination by the owner. In addition, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) provides owners with the discretion to determine on a case-by-case basis, when it is appropriate to terminate the tenancy of a household using marijuana.

USE OF MARIJUANA IN HUD HOUSING

Screening for Marijuana Use

The Controlled Substances Act (CSA) categorizes marijuana as a Schedule 1 substance and therefore the manufacture, distribution, or possession of marijuana is a federal criminal offense. Because the CSA prohibits all forms of marijuana use, the use of marijuana for recreational purposes or medical purposes is illegal under federal law even if it is permitted under state law. With regard to questions concerning the use of marijuana in HUD assisted properties in states that have decriminalized the use of marijuana, the controlling authority is Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Because this property is federally assisted, the requirements of QHWRA apply, and the property will deny admission to any household with a member who is determined, at the time of application for admission, to be illegally using a controlled substance as that term is defined by the CSA. In addition, the property will terminate the tenancy for any household with a member who the property determines is illegally using a controlled substance, or whose illegal use, or pattern of illegal use, of a controlled substance is determined by the property to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Termination of Tenancy by Owner for Use of Marijuana

Unlike HUD's admission standards which prohibit admission to federally assisted housing for any household with a member who the owner determines is illegally using a controlled substance (e.g. marijuana) or the owner has reasonable cause to believe that the illegal use may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the continued occupancy standards allow termination by the owner. In addition, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) provides owners with the discretion to determine on a case-by-case basis, when it is appropriate to terminate the tenancy of a household using marijuana.

SCREENING\REJECTION CRITERIA

An application may be rejected for any one of the following reasons:

- ◆ The applicant/family is not eligible based on program requirements;
- ◆ Submission of false or untrue information on the application, or failure to cooperate in the verification process;
- ◆ The applicant has a history of unacceptable or unsatisfactory credit or criminal history as reported by a credit agency or other organization. This includes registration as a Sexual Offender nationwide (*See Credit Criminal Screening Criteria for more information.*);
- ◆ Negative reference from the last three years from a current or previous landlord, including but not limited to late rent, NSF (non-sufficient funds) checks, lease violations, evictions,

etc.;

- ♦ The household (including a **Live-In Aide**) size is not appropriate for this unit;
- ♦ Failure to sign designated or required forms and/or documents upon request;
- ♦ The applicant cannot pay the appropriate security deposit at move-in;
- ♦ This will not be the applicant's only residence and he/she will pay an assisted rent;
- ♦ The applicant has repeatedly (more than twice) been offered a housing unit and, for other than a verified medical reason, he/she has refused to take the unit offered;
- ♦ The applicant is not a Citizen, National or eligible non-Citizen (as defined by HUD);
- ♦ The applicant is not capable of fulfilling the lease agreement, with or without assistance;
- ♦ A negative criminal history as defined in the ***Criminal or Drug-Related Activity*** section;
- ♦ By HUD formula, the applicant cannot show a need for the subsidy assistance, (where applicable) or the household income exceeds the **HUD** limits;
- ♦ Failure to disclose and provide acceptable documentation to verify the valid SSNs of **all** non-exempt household members within 90 days of first being offered an available unit;
- ♦ Failure to meet the Student Eligibility Rule.

NOTE: All applicants in a household will be processed as one approval or denial for an apartment. If any one of the applicants has negative rental history, negative credit history or negative criminal history all applicants will be denied.

Allowable Reasons for Rejection

Failing the Property's Screening Criteria

Reasons for failing the property's resident screening criteria in compliance with the Fair Chance Ordinance include:

- A family member was, or is, engaged in criminal activity that involves crimes or physical violence to persons or property, or that disturbs the peaceful enjoyment of the premises;
- The applicant or a member of the household is subject to a State lifetime sex offender registration in any state;
- There is evidence of acts of violence or any other conduct that constitutes a danger or disruption to the peaceful enjoyment of the premises;
- Management has determined that the applicant household has a member who is at the time of application for admission, illegally using a controlled substance as that term is defined by the Controlled Substances Act, which includes the use of medicinal or recreational marijuana.
- There is confirmed drug addiction or alcohol abuse, such as a conviction for possession, trafficking or use of narcotics or controlled substances, a record of conviction for activity relating to the misuse of alcohol, or written reports from a probation officer, a social agency, or the family itself to the effect that the individual is addicted to, or is misusing drugs or alcohol;
- A family member was evicted in the past 3 years from federally assisted housing for drug and criminal activity;
- A family member has a conviction for the offense of rape, prostitution, indecent exposure, sodomy, carnal abuse, impairing the morals of a minor or similar crimes indicating sexual deviation;
- There is evidence of grossly unsanitary or hazardous housekeeping habits, which includes the creation of health or safety hazards through acts of neglect, or causing, or permitting to cause any damage to or misuse of the premises. This includes causing or permitting infestation, foul odors or other problems injurious to other persons' health, safety, welfare or enjoyment of the premises; depositing garbage improperly; failing to properly use all utilities, services, appliances and equipment in the unit, or failing to maintain such in good and clean condition. In cases where a qualified agency, such as F.I.A. or Protective Services, reports that a family shows potential for improvement in the area of housekeeping, an eligibility decision will be reached after receiving such a referral.

GUIDANCE FOR EXCLUDING THE USE OF ARREST RECORDS IN HOUSING DECISIONS

Screening for Suitability to Determine Eligibility

Providing Second Chances for Formerly Incarcerated Individuals

In order to achieve an effective balance between allowing individuals with a criminal record to access HUD-subsidized housing and ensuring the safety of all residents of such housing, Western Park Apartments enacts the following guidelines in the screening of applicants:

- WPA will limit our criminal record screening to assessments of conviction records, and not arrest records. However, a record of arrest(s) may be used to make an adverse housing decision based on the conduct underlying the arrest if the conduct indicates that the individual is not suitable for tenancy and the property has sufficient evidence other than the fact of arrest that the individual engaged in the conduct (a preponderance of the evidence).
- WPA will allow applicants to address and present mitigating circumstances regarding criminal backgrounds prior to admission decisions. Applicants will be given the opportunity to dispute the accuracy and relevance of a criminal record before admission is denied on the basis of such record, and will be afforded the right to request an informal hearing or review after an application for housing assistance is denied.
- WPA has adopted a screening look-back period of twelve months when considering drug-related criminal activity and a twenty-four month look-back period for violent and other criminal activity that has the potential of threatening the health, safety, or right to peaceful enjoyment of the premises by other residents.
- WPA will consider the following factors when evaluating an individual's criminal record, including:
 - Whether the applicant's offense bears a relationship to the safety and security of other residents;
 - The level of violence, if any, of the offense for which the applicant was convicted;
 - Length of time since the conviction;
 - The number of convictions that appear on the applicant's criminal history;
 - If the applicant is now in recovery for an addiction, whether the applicant was under the influence of alcohol or illegal drugs at the time of the offense; and
 - Any rehabilitation efforts that the applicant has undertaken since the time of conviction.

UNIT TRANSFER POLICY

WPA-Management will allow in-house transfers, in the following situations:

1. A unit transfer for a medical reason, including a reasonable accommodation;
2. A unit transfer based on the need for an accessible unit (this will be verified with a medical practitioner using the WPA form) unless the disability is visibly evident;
3. For emergency temporary location. (If a unit becomes uninhabitable due to a catastrophe, the resident family will be given any open unit for temporary living quarters until their own unit is repaired. An “open unit” is a unit for which the keys are in the possession of the management company.)
4. A victim of domestic violence, dating violence or stalking, or sexual assault along with their immediate household family members, requests to be moved to another unit as a safeguard from the perpetrator. (See Section VAWA – Victims of Domestic Violence.)

WPA will first assign units to in-place tenants who have a demonstrated need for a change in housing before offering units to an applicant on the Waiting List. Requests for transfers that are based on a need for a reasonable accommodation will be provided priority over other requests. Transfers will be provided to persons who have a medical or other **verified** need because of a disability in the chronological order received. All other transfers will be provided after requests for reasonable accommodations and will occur in chronological order by the date the request was received.

When an owner determines that a transfer is required, the Model Lease for Subsidized Programs states that the tenant: (a) may remain in the unit and pay the HUD-approved market rent; or (b) must move within 30 days after the owner notifies the family that a unit of the required size is available within the property. Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation to a household member’s disability, then the owner must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

DEFINITIONS

Elderly Family

Elderly family means a family whose head or spouse or partner or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Person with Disabilities

Such a person has a disability, as defined in 42 U.S.C. 423;

- Inability to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
- A person with disabilities (individual with handicaps), as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Live-In Care Attendant

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

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

A relative may be a **Live-In Attendant** but must meet all of the above requirements, and sign a statement to that effect. **WPA** will verify this with a physician or recognized health care professional. The sole purpose of a **Live-In Attendant** is to provide the tenant with support services and will not qualify for continued occupancy in the event the tenant vacates the unit. **WPA** may re-verify the need for a **Live-In Attendant** when necessary.

The screening of **Live-In Attendants** at initial occupancy and the screening of persons or **Live-In Attendants** to be added to the tenant household after initial occupancy involve identical screening activities as applicants. **Live-In Attendants** must be screened for drug abuse and other criminal activity, including nationwide lifetime registration as a sex offender, by applying the same criteria established for screening other applicants. Owner-established screening criteria must also be applied to **Live-In Attendants**.

Assistance Animals

Assistance animals are not pets. They 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 alleviates one or more identified symptoms or effects of a person's disability. Assistance animals, often referred to as "service animals," "assistance animals," "support animals," or "therapy animals" perform many disability-related functions, including but not limited to guiding individuals who are blind or have low visions, 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.

WPA does not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Others are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the disability-related assistance or provides the disability-related benefit by the person with the disability.

LIMITED ENGLISH PROFICIENCY (LEP)

WPA will take reasonable steps to ensure that persons with **Limited English Proficiency (LEP)** have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits, without cost to the person being served.

VICTIMS OF DOMESTIC VIOLENCE

VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2005 (VAWA), AND VAWA 2013:

Fair Housing

Nondiscrimination and VAWA

The Violence Against Women Act of 2013 (VAWA 2013) mandates that, consistent with HUD's nondiscrimination and equal opportunity requirements, victims of domestic violence, dating violence, sexual assault, and stalking cannot be discriminated against on the basis of any protected characteristics, including race, color, religion, sex, disability, familial status, national origin, or age. In addition, HUD programs must also be operated consistently with HUD's Equal Access Rule, which states that HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals and families without regard to actual or perceived sexual orientation, gender identity or marital status.

Civil Rights Related Program Requirements

Limited English Proficiency (LEP) and VAWA Executive Order 13166 require Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English. Management has taken steps to ensure meaningful access to the information and services that we provide for persons with limited English proficiency, by providing interpreter services and/or written materials translated into other languages. HUD's required leases, recertification notices, the Consent for Release of Information Packet (forms HUD-9887 and 9887-A), form HUD-5380 - The Notice of Occupancy Rights under the Violence Against Women Act (VAWA 2013), and form HUD-5382 - Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation, are all available upon request in Amharic, Korean, Arabic, Portuguese, Armenian, Russian, Chinese, Spanish, Farsi, Tagalog, French, Vietnamese, and Khmer (Cambodian). If management determines there is an applicant or tenant who does not read a language that HUD has translated its forms into, management will provide those applicants and tenants with forms translated into languages they do understand, in accordance with HUD's LEP guidance.

Policy for Unit Transfers Under VAWA

Emergency Transfers under VAWA. In order to qualify for an emergency transfer under VAWA 2013, a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking must reasonably believe there is a threat of imminent harm from further violence. It does not matter when an initial act occurred if the current belief of a threat of imminent harm is reasonable, or, in cases of sexual assault, the assault occurred on the premises during the 90-calendar-day period preceding the transfer request. Management requires that tenants who request emergency transfers under VAWA submit a written transfer request where the tenant certifies that he or she believes there is a threat of imminent harm from further violence, or that he or she was a victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the transfer request.

Making Emergency Transfer Plans Available upon Request

WPA has a workable emergency transfer plan, which is available upon request, and addresses in detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of individuals seeking transfers or placement on waiting lists.

Eligibility Occupancy Requirements Will Not be superseded

Emergency transfer obligations under VAWA do not supersede any eligibility or other occupancy requirements that may apply to HUD-assisted housing programs. For example, the tenancy priority for an available accessible unit required to be accessible under HUD's Section 504 regulation must still be applied to maximize the utilization of accessible units by individuals who need the accessibility features. The objective of the emergency transfer plan is to develop a plan for how to fill an available unit cognizant of the need to transfer an individual who qualifies for an emergency transfer as quickly as possible while meeting other obligations and balancing competing needs.

Screening for Suitability to Determine Eligibility

Policy for Applying Protections under VAWA 2013

VAWA 2013 protections for victims of domestic violence, dating violence, sexual assault, or stalking are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. Criminal activity directly relating to VAWA crimes 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 affiliated individual of the resident's family is the victim or the threatened victim of that abuse. Incidents of actual or threatened domestic/dating violence, sexual assault, 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.

Definition of Affiliated Individual

An affiliated individual is defined as a spouse, parent, brother, sister, or child, or a person to whom an applicant/tenant stands in the place of a parent or guardian (for example, the affiliated individual is in one's care, custody, or control); or any individual, tenant, or lawful occupant living in a tenant's household.

Protections for Applicants: If an applicant otherwise qualifies for assistance under this HUD-assisted program, they cannot be denied admission or denied assistance because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants: A tenant receiving assistance under this HUD-assisted program may not be denied assistance, terminated from participation, or be evicted from rental housing because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if a tenant or an affiliated individual of the tenant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of a household or any guest, they may not be denied rental assistance or occupancy rights under this program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Giving Notice of Rights and Obligations under VAWA 2013: Management will support and assist victims of VAWA crimes, and will protect victims, as well as members of their family or affiliated individuals, from being denied housing or from losing their HUD assisted housing as a consequence of a VAWA-related crime.

Notification of Occupancy Rights and Certification Form, HUD-5380

Effective on December 16, 2016, management will provide the Notification of Occupancy Rights and Certification form, HUD-5380, to all appropriate individuals at the following times:

- To applicants when assistance is being denied;
- To new households at the time of move-in into the property;
- To current tenants during the annual recertification or lease renewal process. If there will be no recertification or lease renewal for a household during the 12-month period from 12-16-16 through 12-15-17, management will provide notice via US mail no later than 12-15-17;
- To current tenants with any notification of eviction or termination of assistance.

Additional Documentation for Victims

Management will also give applicants/tenants the opportunity to provide (in lieu of the certification form or in addition to it), a federal, state, tribal, territorial, or local police record or court record, or documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic/dating violence, or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional's belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

- Management is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic/dating violence, or stalking in order to receive the protections of the VAWA. Management will provide assistance to an individual based solely upon the individual's statement or other corroborating evidence, and will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.
- Management will work with the applicants/tenants in making acceptable delivery arrangements for a certification form, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

Confidentiality of Information

The identity of a victim, and all information relating to VAWA incidents, will be retained in confidence by management and will not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is requested or consented to by the individual in writing; is required for use in an eviction proceeding; or is otherwise required by applicable law. Management will retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

Applicable VAWA Forms

Form HUD-5382, *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking*: Effective 12-16-16 and ongoing, until HUD's Office of Multifamily Housing has updated Form HUD-91066 listed below, management will provide to current tenants the option to complete form HUD-5382 to certify if they are a victim of domestic violence, dating violence, sexual assault, or stalking

Form HUD-91066, *Certification of Domestic Violence, Dating Violence or Stalking*
Form HUD-91066 is currently being updated by the Office of Multifamily Housing, and therefore effective 12-16-16, in lieu of HUD-91066, all current residents will be provided the option to complete form HUD-5382 until the updates for form HUD-91066 have been completed.

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 resident 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/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.

Emergency Transfers

Under VAWA 2013 current victims are offered the protection of emergency transfers, which allow for survivors to move to another safe and available unit if they fear for their life and safety. Any current tenant seeking an emergency transfer will be required to complete a written *Emergency Transfer Request*, form HUD-5383, which will be made available upon request. In addition, management has an Emergency Transfer Plan available for perusal in the property office.

Option to Bifurcate Lease

VAWA 2013 requirements provide that notwithstanding the restrictions placed on admission, occupancy, and termination of occupancy or assistance, or any Federal, State, or local law to the contrary, **WPA** may bifurcate a lease for housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, and mandates that if such bifurcation occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the management will provide any remaining tenant the opportunity to establish eligibility for the covered housing program. If the remaining tenant cannot establish eligibility, management will provide the tenant a reasonable time to find new housing or to establish eligibility under another covered housing program. VAWA 2013 provides that HUD is to determine what constitutes a reasonable time, which when established will be followed by the property.

Providing a Reasonable Time

VAWA protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Verification and Documentation for VAWA-Related Crimes

If an applicant or tenant represents to management that they are a victim of domestic violence, dating violence, sexual assault, or stalking who is entitled to protections or remedies under VAWA 2013, WPA management will request that the applicant or tenant submit one of the following documentation:

- *The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation, form HUD-5382; or*
- A document signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of a VAWA crime, which also must be signed by the applicant/tenant; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- At the discretion of management, a statement or other evidence provided by the applicant or tenant.

Conflicting Information

If management receives documentation that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), WPA management will require an applicant or tenant to submit third-party documentation, as described above, within 30 calendar days of the date of the request for the third-party documentation.

Rejection of Ineligible Applicants

Certain Prohibitions for Rejecting Applicants including VAWA Victims

VAWA 2013 protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant’s status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Acceptance of Eligible Applicants

VAWA Policy for Applicants

VAWA 2013 provides protections for applicants for assistance under all HUD-housing programs, and reflects Federal policies that recognize that all individuals should be able to live in their homes without fear of violence. The implementation of VAWA protections in HUD programs increases opportunities for all individuals to live in safe housing and reduces the risk of homelessness for individuals who might otherwise be eligible for housing assistance. Management is committed to strengthening the rights of victims of domestic violence, dating violence, sexual assault, or stalking at this property, and to provide such victims with housing stability.

Termination of Assistance or Eviction under VAWA

Tenants need to be aware that commission of crimes under VAWA may result in termination. If management seeks to terminate assistance to a VAWA perpetrator or an alleged VAWA perpetrator, management will follow program regulations and policies, including lease policies, which allow for such termination, as well as any applicable state and local laws.

Prohibited Basis for Denial or Termination of Assistance or Eviction under VAWA

A tenant assisted under a covered housing program may not be terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy

Submission of False VAWA Claims

Submission of false information for a VAWA claim could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

A Notice of Occupancy Rights under VAWA

A Notice of Occupancy Rights will be provided to a tenant with any notification of eviction or notification of termination of assistance to ensure residents are aware of these rights.

APPENDICIES AND OTHER FORMS

- VAWA Appendix A: Notice of Occupancy Rights Under the Violence Against Women Act, form HUD-5380
- VAWA Appendix B: WPA Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5381
- VAWA Appendix C: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, form HUD-5382
- VAWA Appendix D: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5383
- Lease Addendum: VIOLENCE, DATING VIOLENCE OR STALKING, form HUD-91067
- VAWA Definitions