Tenant Selection Plan
For Section 8 / Tax Credit Properties
Owned or Managed by Samaritas

Samaritas Affordable Living of Rochester Hills

February 28, 2018

Samaritas Affordable Living of Rochester Hills is a HUD Section 8/Tax Credit property that is assisted by the U. S. Department of HUD, and is designated to attract applicants for occupancy from all potentially eligible groups of people in the housing area regardless of race, color, religion, sex, national origin, disability, and familial status. The property has 149 one bedroom units available for rent to all eligible elderly/disabled households. To be eligible for occupancy at this property, there must be a match between the applicant’s household size and the unit size available in the property. The goal of this Tenant Selection Plan is to establish a guideline for the selection of residents in accordance with HUD regulations, which will enhance the quality of life for our residents and improve the financial viability of the property.

Purpose of Plan
The purpose of this Tenant Selection Plan is to prescribe standards and criteria for tenant selection in accordance with state and federal civil rights and fair housing legislation, regulations promulgated by the Department of Housing and Urban Development (HUD) and the applicable facility’s Housing Assistance Payment Contract. Samaritas Affordable Living of Rochester Hills has a regulatory agreement with HUD and is classified as a Section 8/Tax Credit. This property is owned or managed by Samaritas.

Objectives of Plan
a. To implement policies and procedures embodying standards and criteria for tenant selection that take into account Samaritas Affordable Living of Rochester Hills mission of providing low income housing for older adults;
b. To provide a safe, sanitary and comfortable living environment for the tenant body as a whole;
c. To standardize the formulation, interpretation, and application of policies and procedures with respect to eligibility and selection standards;
d. To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on other residents, the housing development or neighborhood environment.

Availability of Plan
This Tenant Selection Plan is available to the public upon request. It will be posted in a common area at the rental property and it may be reviewed during normal office hours.

Modification of Plan
This Tenant Selection Plan will be reviewed and or updated at least bi-annually to ensure that it reflects Samaritas’ current operating practices, program priorities, and HUD requirements. If the property, Samaritas, and/or HUD’s Contract Administrator feel the plan needs to be modified in any way, a notice of such modification will be provided by mail to applicants on the waiting list. For this reason the current Tenant Selection Plan in place at the property will always be dated.
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I. Fair Housing and Equal Opportunity Requirements

Non-Discrimination
It is the policy of this property to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

The property will 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:

- 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;
- Provide housing which is different from that provided 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 of services; or
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
- Deny a person based on their actual or perceived sexual orientation, or gender identity.

The property shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Equal Access to Housing Regardless of Sexual Orientation, Gender Identity or Marital Status (Equal Access Rule)
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 the property at all times:

- 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.
- This property 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 the property may need to make inquiries into sex for temporary, emergency shelter with shared sleeping areas or bathrooms, or to determine the number of bedrooms to which a household may be entitled.

Definitions for the Equal Access Rule
The property will use 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 person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
  - A group of persons residing together and such group includes, but is not limited to (i) 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); (ii) an elderly family; (iii) a near-elderly family; (iv) a disabled family; (v) a displaced family; and (vi) the remaining member of a tenant family.
- The term *gender identity* means actual or perceived gender-related characteristics.
- The term *sexual orientation* means homosexuality, heterosexuality or bisexuality.
Section 504 of the Rehabilitation Act of 1973

It is the policy of this property to assure that qualified individuals with disabilities are not discriminated against on the basis of their disability. The property also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at the property.

Reasonable Accommodations

The property will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, the property will make reasonable accommodation for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services at this property where such modifications would be necessary to afford full access to the housing program for qualified individuals with disabilities.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, the property is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

Information Regarding Disabilities

The property ensures that any questions related to disability information on the application for housing have to do with program eligibility and allowable medical or disability deductions for housing applicants who wish to take advantage of those deductions. It is not required that any information regarding a possible disability be revealed other than for program eligibility requirements.

Neutral Policies

The property will make reasonable adjustments to rules, policies, practices, and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common areas of a dwelling, or to participate in or have access to other activities conducted or sponsored by the Manager. Services for Persons with Limited English Proficiency (LEP): reasonable steps will be taken to ensure meaningful access to the information and services they provide for persons with LEP. This may include interpreter services and/or written materials translated into other languages.

Auxiliary Aids to Ensure Effective Communication

The property will seek to effectively communicate with applicants, residents, and members of the public who are individuals with disabilities. The use of auxiliary aids will be implemented when necessary. The property asks for 7 days notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, readers, interpreters, large print or Braille applications, leases, and other information/communications, recordings of such information, and a community room television that provides closed-captioning service.

Assistance Animals

The property will allow assistive animals which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as service animals, support animals, or therapy animals, perform many disability-related functions, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, 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. No pet deposit is required for assistive animals.

Accessible Route

For mobility-impaired persons, this property is an accessible facility on an accessible route. Documents that the resident would like to review may be examined during regular business hours. Please contact the management office to make arrangements to examine any documents.

Reasonable Modifications

The property will permit residents with disabilities to make reasonable modifications to their individual units or common areas at the resident’s own expense. When the resident vacates the unit, s/he must agree to restore the premises to the condition that existed before the modification, if requested by the property. The property will not require this restoration if the modification benefits the property or is needed by another resident.
To ensure with reasonable certainty that funds will be available to pay for restorations at the end of the tenancy, the manager will negotiate as part of such restoration an agreement requiring that the resident pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money, not to exceed the cost of the restorations. The property will require that the work be done in a workman like manner, utilizing licensed contractors, and that any required building permits will be obtained.

**Equal Access**
The property will provide assistance in a confidential manner and setting to insure equal access to a resident’s documents. An individual with disabilities is responsible for providing her/his own transportation to and from the location where all documents are kept.

**Civil Rights Related Program Requirements**

**Limited English Proficiency (LEP)**
Executive Order 13166 requires 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, and the Consent for Release of Information Packet (9887 and 9887-A) are all available upon request in Amharic, Korean, Arabic, Portuguese, Armenian, Russian, Chinese, Spanish, Farsi, Tagalog, French, Vietnamese, and Khmer (Cambodian).

**Mitigating Circumstances**
Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact the property immediately to schedule a meeting.

**II. Privacy Policy**

**Personal Information**
It is the policy of the 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. Unless required by Federal or state law, 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. Some of these records are obtained through HUD’s Enterprise Income Verification (EIV) system. Management has established safeguards to deter any of its agents or employees from disclosing or inappropriately inspecting such documents. More information about these safeguards can be found on Page 20 of this Tenant Selection Plan.

**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 by 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 these forms at the time of move-in, annual recertifications, 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.

**Consent to Disclose an Individual’s Information to Another Person or Entity**
The Privacy Act prohibits the disclosure of an individual’s information to another person without the written consent of such individual. The EIV data of a household member will not be shared with another household member or to a person assisting the resident, unless the individual has provided written consent to disclose such information. However, management is not prohibited from discussing with the head of household how the income and rent were determined.
Disclosure to Persons Assisting Residents with the Recertification Process
With the written consent of the resident, EIV data may be shared with persons assisting in the recertification process, including review and explanation of third party income verifications. Disclosure of EIV to these parties must pertain only to the resident who has provided his/her consent. Parties to whom the resident can provide written consent include guardians, translators, interpreters, individuals assisting an elderly individual or a person with a disability, powers of attorney, and other family members. Disclosure of EIV information to Service Coordinators, along with a release of information consent form to access their file, will be allowed only if the resident is present during the review of the file.

Records Obtained through HUD’s EIV System

Public Notice
According to the EIV System of Records Notice published in the Federal Register at 71 FR 45066, dated August 8, 2006, management hereby gives public notice to all tenants and future applicants of this property of its participation in HUD’s Enterprise Income Verification system of records which houses any and all confidential information on all individuals living at this property.

Protecting the Confidentiality of EIV Information
Income Information reports in HUD’s EIV system contain sensitive data, including Social Security numbers (SSNs), dates of birth (DOB), first and last names, and physical addresses of tenant families. HUD requires that this information is not to be shared with anyone not authorized to have it. Management will prevent its use for fraudulent purposes (e.g. identity theft). The reports are utilized by management at the time of all recertifications for verification purposes, to determine the following:

- Has a tenant started new employment since their last certification?
- Is there any quarterly wage information for past or current employment for the tenant?
- Does the tenant receive unemployment benefits?
- Does the tenant receive social security benefits?

Written Consent
Unless required by Federal or state law, 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.

Determining Eligibility for Assistance
This privacy policy in no way limits the property’s ability to collect such information as it may need to determine eligibility and income, compute rent, or determine an applicant’s suitability for tenancy.

Information on Disabilities
Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated in a confidential manner.

Investigations into Fraud/Criminal Activities
This privacy policy is not intended to preclude the cooperation of the property with local, state, or Federal investigations into fraud or criminal activity. With proper identification, the property is permitted to advise the investigating officer of the following:

- Whether or not an individual is a resident;
- How long an individual has been a resident; and
- Any other appropriate answers to questions related to the investigation.

The property will not make files, forms, or documents available to the investigating officer unless a court order for such action is provided.
III. Qualifying for Admission Under HUD’s Program Eligibility Requirements

Defining Program Eligibility
Program Eligibility determines whether applicants are eligible for federal rental assistance. The property will not admit ineligible applicants. In order to be eligible a household must meet all of the following tests according to the HUD approved Regulatory and/or Use Agreement for:

- Was built and/or financed before 1981
- Was built and/or financed after 1981

And provides rental assistance to:
- Low
- Very Low
- Extremely Low

HUD Income Limit Requirements
HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to families who need the assistance. The limits are based on family size and the annual income the family receives, and are available for review at the site office. Applicants must have an income that is not greater than the maximum income limits established by HUD program type. Once an applicant is approved under the income limit rule and moves into the property, this income eligibility test will not be done again unless the resident has gone to market rent and wants once again to be eligible for subsidy. Also, tied into the Very Low income limits for Section 8 properties is an additional income limit called the Extremely Low Income (ELI) limit, which is defined by the Quality Housing and Work Responsibility Act of 1998 as family incomes that do not exceed 30% of median income. Further, the Consolidated Appropriations Act of 2014 modified the definition of ELI limits to ensure that they would not fall below the poverty guidelines determined for each family size. Specifically, ELI families are defined to be Very Low income families whose incomes are the greater of the Poverty Guidelines as published and periodically updated by the Department of Health and Human Services, or the 30 percent income limits calculated by HUD.

Section 202/8 Properties
Section 202/8 properties use HUD’s income limits established for Section 8 properties, which are dependent on the effective date of the Housing Assistance Payments (HAP) contract. Properties with HAP effective dates before 10-1-81 may use HUD’s Low-Income limits, while properties with HAP effective dates on or after 10-1-81 will use HUD’s Very Low-Income limits. In addition, 40% of the new move-ins per year at this Section 202/8 property must be at or below 30% of the area median income (Extremely Low Income), as required by HUD, and explained in the Income-Targeting paragraph below.

Method for Income-Targeting for Section 202/8 Properties
In addition to the income limit requirements referenced above, HUD requires that Section 8 properties must lease not less than 40% of the dwelling units that become available for occupancy in any project fiscal year to extremely low-income families, which is defined as families whose incomes are below 30% of the area median income. The methodology management has chosen to fulfill this obligation is to alternate between extremely low-income families on the waiting list and otherwise eligible families. It is possible that applicants of a higher income that are also higher on the waiting list will be skipped over to achieve income-targeting. When this occurs, management will make a notation on the waiting list to indicate that an applicant was skipped over to achieve the 40% income-targeting rule.

Counting Family Members for Income Limits
In order to determine which family size to use for Income Limits, the property will count all full-time members of the family who will reside in the unit, with the exception of live-in aides. (See the paragraph on live-in aides below for more information.)

Counting Family Members Not Living in the Unit
In addition to full-time family members, the property will also count any of the following persons who are not living in the unit:

- Children temporarily absent due to placement in a foster home;
- Children in joint custody arrangements who are present in the household 50% or more of the time;
- Children who are away at school but who live with the family during school recesses;
- Unborn children of pregnant women;
- Children in the process of being adopted;
- Temporarily absent family members who are still considered family members, such as a member on a temporary work assignment in another state;
- Family members in the hospital or rehabilitation facility for periods of limited or fixed duration;
- Persons permanently confined to a hospital or nursing home, if the family decides to include them.

**Live-In Aides are Not Counted as Family Members for Income Eligibility**

When determining the family size for establishing income eligibility, the property will not include any live-in aide living in the unit. (However, note that a live-in aide is counted in the family size when establishing unit size under the property’s occupancy standards.) The live-in aide is defined as a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who is determined to be essential to the care and wellbeing of the person(s), is not obligated for the support of the person(s), and would not be living in the unit except to provide the necessary supportive services. To qualify as a live-in aide the following guidelines must be used:

- The manager will verify that the live-in aide is needed to provide the necessary supportive services essential to the care and wellbeing of the person. The verification will be obtained from the applicant’s physician, psychiatrist, other medical practitioner, or health care provider, but will never include asking for access to confidential medical records, or for the applicant to submit to a physical examination.
- Expenses for services provided by the live-in aide, such as nursing services (dispensing of medications or providing other medical needs) and personal care (such as bathing or dressing), that are out-of-pocket expenses for the resident and where the resident is not reimbursed for the expenses from other sources, are considered as eligible medical expenses. Homemaker services such as housekeeping and meal preparation are not eligible medical expenses.
- The live-in aide qualifies for occupancy only as long as the individual needing supportive services requires the aide’s services and remains a resident. The live-in aide may not qualify for continued occupancy as a remaining family member. The manager has instituted at the property a HUD-approved lease addendum that denies occupancy of the unit to a live-in aide after the resident, for whatever reason, is no longer living in the unit. The addendum also gives the manager the right to evict a live-in aide who violates any of the house rules.
- The income of a live-in aide is excluded from annual income.
- The live-in aide must disclose and provide verification of their SSN.
- The live-in aide must meet the property’s screening criteria.
- A relative may be considered to be a live-in aide if they meet the requirements above.
- An adult child is eligible to move into a Section 202/8 project after initial occupancy only if they are essential to the care or wellbeing of the elderly parent(s). The adult child may be considered a live-in aide if all of the requirements above apply, and there is a verified need for a live-in aide.

**Admitting Over-Income Applicants**

If the manager of this Section 202/8 property is temporarily unable to lease all units to income eligible families, s/he will request for approval of HUD to admit applicants with incomes that exceed the applicable program income limits. The information will be submitted to the HUD Field Office using Situation #6 of Exhibit 3-1 of HUD Handbook 4350.3 REV-1. If it is necessary for the manager to take this step, an addendum will be added to this Plan signifying such. See more on this subject in Section IV of this plan, *Leasing Units to Non-Eligible Families.*

**Social Security Number Requirements**

Applicants, including live-in aides, will be required to disclose and provide verification of the complete and accurate SSN assigned to them except for those 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.

**Exceptions to Disclosure of Verification of SSNs**

The SSN requirements do not apply to the following individuals:

- **Individuals who do not Contend Eligible Immigration Status in Section 202/8 Properties**
  In the Section 202/8 program the restriction on assistance to noncitizens applies, and 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 a SSN.

- **Individuals Age 62 or Older as of January 31, 2010**
  If an individual is 62 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 SSN. 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.
Applicant Household with Children Under the Age of Six
In addition, HUD has published a Final Rule, dated 3-8-16, that they are authorizing Applicant households may become program participants even if a child under the age of 6 years is added to the household within the 6-month period prior to the household’s date of admission, and that child has not yet been issued an SSN. The household would have 90 days from the date of move-in to provide the documentation evidencing issuance of an SSN. As is the case with current tenants, an extension of one 90-day period would be required for assistance applicants under certain circumstances.

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

- A valid SSN card issued by the Social Security Administration (SSA);
- 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
- Such other HUD-allowable evidence of the SSN as indicated in Appendix 3 of HH 4350.3 REV-1.

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

- 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.
- The applicant who has not disclosed and provided verification of SSNs for non-exempt all household members must disclose and provide verification to the manager within 90 days from the date they are first offered an available unit.
- If management determines that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of disclosing and providing verification of the SSN for all non-exempt members, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation.
- 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.

Existing Residents
SSNs must be disclosed and verification provided for any household member who has not previously disclosed a SSN as of 1-31-10, at the time of the next IR or AR, 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. 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 and 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 IR or AR.

Adding a New Household Member:
When adding a new household member who is age six or older, or is under the age of six and has a SSN, the resident must disclose and provide verification of the SSN of the individual to be added to the household. When adding a new household member who is under the age of six without an assigned SSN, the resident must disclose and provide verification of the new household member’s SSN within 90 calendar days of the child being added to the household. The manager must grant an extension of one additional 90-day period, if the manager, in its discretion, determines that the resident’s failure to comply is due to circumstances that could not have been foreseen and were outside the control of the resident, e.g., delay in processing by SSA, natural disaster, fire, death in family, etc.

- During the period management is awaiting disclosure and verification of the SSN, the child will be included as part of the household and will be given the dependent deduction.
- A TRACS ID will be assigned until the time the SSN is provided, at which time an IR will be processed changing the child’s TRACS ID to the child’s verified SSN.
- If upon expiration of the provided time period, the resident fails to disclose and provide verification of the SSN, management will terminate tenancy of the resident and the resident’s household.
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 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 30 calendar days following a member turn 18 years of age. Refusing to sign these forms by any adult family member will cause the family to be ineligible for assistance. All adults regardless of whether they report income must sign both forms:

- Form HUD-9887, Notice and Consent for the Release of Information to HUD and to a PHA
- Form HUD-9887-A, Applicant’s/Tenant’s Consent to the Release of Information – Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance

Only Residence Requirements

Applicants must agree that their rental unit will be their only residence. When applicants are undergoing income limit tests, they are required to reveal all assets they own including real estate. They are allowed to own real estate, whether they are retaining it for investment purposes as with any other asset, 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.

Rent Formula Requirements for Section 202/8 Properties

Applicants must agree to pay the rent required by the subsidy formula used at the property, which is defined in HUD’s Occupancy Handbook, HUD Handbook 4350.3 REV-1 as follows:

The applicant/resident will pay the greater of:

- 30% of the monthly-adjusted income
- 10% of the monthly gross income
- Welfare Rent
  or
- Minimum Rent of $25

Hardship Exceptions for Section 202/8

The property will waive the minimum monthly rent requirement to any family unable to pay due to a long term financial hardship. The financial hardship exemption constitutes the only statutory exemption, and includes the hardship situations listed below. NOTE: A family who is eligible for and receives a hardship exemption must be recertified every 90 days.

- The family has lost federal, state, or local government assistance or is waiting for eligibility determination (including legal immigrants);
- The family would be evicted if the minimum rent requirement was imposed;
- The family income has decreased due to a change in circumstances, including but not limited to, loss of employment;
- A death in the family has occurred;
- Other applicable situations, as determined by HUD, have occurred.

The manager may request reasonable documentation of the hardship in order to determine whether there is a hardship and whether it is temporary or long term in nature. The manager should make a determination within one week of receiving the documentation.

Annual Recertification Policy

In addition, applicants must understand and agree to HUD’s requirement of an annual recertification of household income and circumstances per lease agreement and program description.

Interim Recertification Policy

Further, to ensure that assisted households pay rents based on their ability to pay, applicants must understand and agree to HUD’s requirement that they are required to supply interim information to the property when the following occurs between annually scheduled recertifications:

- A household member moves out of the unit;
- An adult member of the household who was reported as unemployed on the most recent certification/recertification obtains employment; or
- The household’s income cumulatively increases by $200 or more per month.

Notification Policy

The property will inform residents, through required written notices, about their responsibility annually to provide information about the household’s income, which is necessary to properly complete a recertification.
Eligibility Requirements under the Noncitizen Rule

According to Section 214 of the Housing and Community Development Act of 1980 (commonly known as the Noncitizen Rule), only U.S. citizens and eligible noncitizens may benefit from federal rental assistance. All applicants will be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application. The property requires a birth certificate as proof of citizenship. For citizens, the evidence consists of a signed declaration of U.S. citizenship or US nationality. The agent will obtain verification of the declaration by requiring presentation of a US passport, birth certificate, Employment Authorization card, Temporary Resident card, or other appropriate documentation, as provided by Section 214. For non-citizens, adequate evidence consists of a signed declaration of eligible immigration status, and one of the Section 214 documents listed in Figure 3-4 of HH 4350.3 REV-1.

Declaration Form

All household members, regardless of age, must declare their citizenship or immigration status via a Declaration Form. A separate form must be signed by each member of the household. For household members under the age of 18, the form must be signed by an adult member of the household. This form is a statement made by the applicant clarifying whether s/he is a citizen or national of the U.S., and if not, is a noncitizen that is eligible to receive federal assistance.

- Reasonable steps are taken to ensure meaningful access to the information and services provided to a person with LEP. These services may include interpreter services and/or written materials translated to other languages.
- If an applicant under the age of 62 is an eligible noncitizen as an immigrant to the U.S., s/he must additionally sign a Verification Consent Form and submit documentation of immigration status. Otherwise, for noncitizens who are in this country on a visa, and are not immigrants, there is an appropriate place on the form for them to sign stating that they do not claim to have eligible immigration status and are not therefore eligible for assistance.
- Non-citizens that are age 62 and older are not required to be further verified regarding their immigration status other than signing their declaration of eligible immigration status, and providing a proof of age document.
- Non-citizens who are not contending eligible immigration status are eligible to live in assisted housing as long as there is at least one eligible member in the family intending to live in the unit. Only the eligible family members will receive assistance, which will be calculated by using a pro-ration method of eligible members divided by total family members.

Eligibility Requirements under the Student Rule

On 11-30-05 Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing. Management is required to determine a student’s eligibility for assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving assistance), 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. The manager will use the following HUD guidelines as indicated in Chapter 3 of HUD Handbook 4350.3 REV-1

Student Eligibility Requirements for Section 202/8 Properties

Students Who are NOT Eligible for Section 8 Assistance

According to Section 327(a) of the law, Section 8 assistance shall not be provided to any individual who:

- 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;
- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;
- Does not have a dependent child;
- 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);
- Is not living with his or her parents who are receiving Section 8 assistance; and 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.
Showing Independence from Parents in Section 8 Units

For a student to be eligible for Section 8 assistance 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. The student must meet at a minimum all of the following criteria to be eligible for Section 8 assistance:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the US Dept of Education’s definition of an independent student (see definition below);
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and

Defining Independent Student

If an individual can prove independence from his/her parents, therefore meeting the handbook definition of independent student as outlined below, and does not meet any of the criteria in Section 327(a) above, but is otherwise eligible for assistance, the student would be eligible to move into the property and receive assistance. Non-tuition financial assistance would be counted as income unless the student is over 23 with a dependent child. To be classified as an independent student, the student must meet the Independent Student definition for Title IV aid. The student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought;
- Be an orphan, in foster care, emancipated or in legal guardianship, a ward of the court through the age of 13, or an unaccompanied youth who is homeless or at risk or at risk of homelessness;
- Be a veteran of the US Armed Forces;
- Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
- Be a graduate or professional student; or
- Be married.

Defining Vulnerable Youth Populations

Definition of vulnerable youths are independent of his or her parents (where the income of the parents is not relevant). Vulnerable youth populations include an orphan, in foster care, ward of the court (at 13 years of age or older); 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; the individual has been verified (as defined in the McKinney-Vento Homeless Assistance Act) as either an unaccompanied homeless youth or at risk of being a homeless youth and is self-supporting as determined by:

a. A local educational agency homeless liaison designated pursuant to the McKinney-Vento Homeless Assistance Act;

b. An official of a program funded under the Runaway and Homeless Youth Act;

c. An official of a program funded under subtitle B of title IV of McKinney-Vento Homeless Assistance Act; or

d. A determination by a financial aid administrator, at the school attended by the student, by means of a reason of other unusual circumstances.

It has been further determined for Vulnerable Youth Populations: (1) the tax return requirement only applies to providing the student’s tax returns and not that of the student’s parents, and (2) a written certification is not required by the student’s parent.

Defining Student Financial Assistance Income

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. (See the Glossary of HUD Handbook 4350.3 REV-1 for an expanded definition of Student Financial Assistance.) Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education’s definition of “vulnerable youth”.

Prohibition of Assistance to Noncitizen Students

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

- A resident of another country to which the individual intends to return;
- A bona fide student pursuing a course of study in the United States; and
- A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student’s noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance.
Protection from Eviction and Termination of Assistance

The manager will not evict or require an ineligible student to move from a unit as long as the student is paying market rent and is in compliance with the terms of the lease. Students with disabilities who were receiving Section 8 assistance as of 11-30-05 may continue to receive assistance contrary to the conforming rule of August 21, 2008.

Verification Requirements

The applicant must agree to furnish any information required to verify eligibility for rental assistance including all sources of income, assets, and certain expenses. Applicants are hereby informed that, by law, the penalties for false information may include eviction, loss of assistance, fines up to $10,000, and imprisonment up to five years. The applicant must understand that a final decision of eligibility cannot be made until all verifications are complete. In addition, the applicant must understand that HUD has the right to compare any of the information supplied in the verifications with information that federal, state, or local agencies have on the family’s income and household composition. See also Section IX of this plan, Verification Requirements and EIV. The manager must explain all program requirements to applicants, including the following verification procedures:

Individual Verification Consent Forms

In addition to the Authorization for Release of Information and the appropriate Consent Forms indicated earlier, applicants must sign Individual Verification Forms that have been designed by the manager for obtaining documentation from third parties, to verify an applicant’s income and deductions for determining the rent.

Verification Documentation

Documentation used as part of the verification process may include checklists completed and signed by the applicant, verification forms completed and signed by third parties, dated notes of interviews with third parties whether by phone or in person, documents provided by family members, or affidavits/certifications supplied by the applicant. The management agent/manager will be the final judge of the credibility of any verification submitted by an applicant.

Preferred Forms of Verification

Verifications must be attempted in the order indicated below. Each file will be documented to show that the manager attempted to obtain third party written documentation before relying on some less acceptable form of information.

- Upfront Income Verification through the Enterprise Income Verification (EIV) system.
- Third party written;
- Third party oral with a record kept in the file;
- Review of documents provided by the household, or
- Affidavits from the household.

IV. Qualifying for Admission under HUD’s Project Eligibility Requirements

Defining Project Eligibility

Project Eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying. The Occupancy Standards listed in Section V of this document take into consideration not only household type, but also household size and what unit sizes are available in the property. It is possible that a household might be eligible for subsidy under HUD’s requirements, but would not be eligible under the unit size requirements of this particular property.

Section 202/8 Project Eligibility Requirements

Project eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying. Section 202/8 properties for the elderly serve elderly families and for 10% of the units which are accessible, persons (elderly or nonelderly) who require the accessible features of the unit. When assigning accessible units, the manager will treat equally elderly and nonelderly applicants with disabilities who require the accessible features of the unit, unless one applicant has a manager-adopted restriction or preference. The manager ensures that there is a match between the applicant and their eligibility for occupancy in this property, based on the family size, and the unit sizes available in the property.

202/8 Properties that Serve Persons with Disabilities

This Section 202/8 property serves persons with disabilities under one of the following statutorily recognized categories of disability based upon the application for funding:

- Persons with physical disabilities;
- Persons with development disabilities; and/or
- Persons with chronic mental illness
Applicants with More than one Disability
Applicants with disabilities who meet the eligibility requirements for admission to this 202/8 property will not be excluded on the basis of having another disability in addition to the one served by the property. The manager will not exclude an otherwise eligible person with a disability requiring an accessible unit, who also has another disability.

Definitions of Elderly Families and Persons with Disabilities
Defining Elderly Family for Section 202/8
Elderly families for the Section 202/8 program are (regardless of actual or perceived sexual orientation, gender identity, or marital status):

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

Defining Disabled Family for Section 202/8
Disabled family for the Section 202/8 program means (regardless of actual or perceived sexual orientation, gender identity, or marital status):

• Families of two or more persons the head of which (or his or her spouse) is a person with disabilities;
• The surviving member or members of any family described in paragraph (1) of this definition living in a unit assisted under subpart E of this part (Section 202 loans) with the deceased member of the family at the time of his or her death;
• A single person with disabilities over the age of 18; or
• Two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

Defining Person with a Disability for Section 202/8
A person with disabilities for the Section 202/8 program means (regardless of actual or perceived sexual orientation, gender identity, or marital status):

• Any adult having a physical, mental, or emotional impairment that is expected to be of long continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.
• A person with a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that:
  • Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  • Is manifested before the person attains age 22;
  • Is likely to continue indefinitely;
  • Results in substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and
  • Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
• A person with a chronic mental illness, i.e., a person who has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and whose impairment could be improved by more suitable housing conditions.
• Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with the HIV who are eligible for occupancy in the Section 202 projects designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person’s disability. (24 CFR 891.505)
  Note: A person whose sole impairment is alcoholism or drug addiction (i.e., who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Section 202 program.

Defining Nonelderly Disabled Family for Section 202/8
A nonelderly disabled family for the Section 202/8 program means a disabled family in which the head of the family (and spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.
Leasing Units to Non-Eligible Families

Request to Waive the Income Requirement in Section 202/8 Properties
If the property is temporarily unable to lease all units to eligible families, the manager will request HUD approval to lease one or more units to families that do not meet the income eligibility requirements that are discussed in Section III of this plan. The owner’s written request will provide documentation of the manager’s continuing marketing efforts to attract eligible applicants and that an increased level of occupancy will prevent financial default and foreclosure. If permitting over-income families to lease one or more units is not sufficient to solve a potential vacancy problem, in order to protect the financial viability of the property, the manager will request approval to serve a population other than the one(s) it was originally approved to serve.

Request to Waive the Age Requirement in Section 202/8 Properties
In order to solve a potential vacancy problem, the manager of this property may need to request a waiver from HUD for the elderly age requirement. A request to waive this age requirement will provide documentation of the management’s continuing marketing efforts to attract eligible applicants, and that an increased level of occupancy will prevent financial default and foreclosure. The request, with the recommendation of the HUD Field Office, will be sent to the Multifamily Hub for approval.

Request to Serve a Different Disabled Population for Section 202/8 Properties
In order to solve a potential vacancy problem, the manager of this Section 202/8 property may need to request from HUD’s Multifamily HUB Director permission to serve a different disabled population than was originally funded. In such case, the manager will demonstrate a plan that shows the following:

- The manager can adequately serve the proposed disabled population based on past experience;
- Funds are available from the state or local government or from other outside sources to pay for any necessary supportive services and a written commitment for funding is provided by the source or the manager;
- The need for the original occupancy category no longer exists;
- The current residents can choose to remain in the project or move. If the residents remain, the manager can begin housing persons in the newly approved category only as vacancies occur; and
- There are sufficient subsidized units available in the area to house current residents who are willing to move, as well as to house individuals who no longer qualify for the housing because of the changed category.

Eligibility of Remaining Members

Section 202/8 Properties
Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination will be made as to whether any remaining member(s) of the household will be eligible to receive assistance. In this Section 202/8 property the remaining member of a household must be a party to the lease when the family member leaves the unit, and the individual must be of legal contract age under state law. The remaining family member is defined in Section 202 regulations as the surviving member or members of an elderly family or family with disabilities that was a party to the lease and living in the assisted unit with the now deceased member of the family at the time of his or her death.

Qualifying Member Leaving the Unit Due to Death
At a Section 202/8 property, if the qualifying member (elderly person or person with disabilities) of the family leaves the unit because of death, any remaining adult member of the household is eligible to remain in the unit but must pay rent based on income. In this case, eligibility of the remaining family member, as defined by the death of the family member, is not reviewed.

Qualifying Member Leaving the Unit for any Reason other than Death
If the individual who establishes eligibility for the property leaves the unit for any reason other than death, management will determine if the individual(s) still residing in the unit meets the eligibility requirements for the property, income and age or disability. If the individual is not eligible for the property, he/she may not receive rental assistance, but may remain in the unit and pay contract rent.
V. Qualifying for Admission

Under the Property’s Occupancy Standards

Unit Size Occupancy Standards

Being eligible for federal rental housing is not an entitlement. Every applicant must meet the resident selection criteria set in place at the property. These standards are used to demonstrate the applicant’s suitability as a resident. They are determined by verifying information on past behavior to document the applicant’s ability, either alone or with assistance, to comply with essential lease provisions and any other rules governing tenancy. When applying to the property, the appropriately sized unit must be in the unit configuration within the development. Units are assigned according to household size. If the appropriate unit size is not available at the time of application, the applicant will be put on a waiting list. To avoid overcrowding, and in order to be consistent, we have adopted the following occupancy standards:

<table>
<thead>
<tr>
<th>Bedroom</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>ONE BEDROOM</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Property Standards for Occupancy

Two Persons per Bedroom

The property has adopted a bedroom size standard of two persons per bedroom maximum. This standard serves to prevent the over-utilization or under-utilization of units that could result in an inefficient use of housing assistance. This standard also ensures that residents are treated fairly and consistently in order to receive adequate housing space. The property will not make social judgments on a family’s sleeping arrangement.

Prohibition against Denying Families with Children

The Fair Housing Act prohibits properties receiving Federal assistance from discriminating on the basis of familial status, defined by Congress as children under the age of 18, making it illegal to discriminate against families because of the presence of children. The property will neither exclude families with children, nor will they develop policies or procedures that have the purpose or effect of prohibiting children. The property will not exclude eligible elderly families because of the presence of children, or because of the anticipated presence of children.

Counting Family Members for Unit Size

In order to determine the size of unit that would be appropriate for a particular family, the property will count all full-time members of the family including live-in aides and foster persons who will reside in the unit. In addition, the property will count all anticipated persons including the following:

- Children expected to be born to a pregnant woman;
- Children in the process of being adopted by an adult family member;
- Children whose custody is being obtained by an adult family member;
- Children who are temporarily in a foster home who will return to the family;
- Children in joint custody arrangements who are present in the household 50% or more of the time, but see below;
- Children who are away at school and who live at home during recesses, but see below;
- Children that are temporarily in a correctional facility/detention center who will return to the family.

Anticipated Children Due to Adoption, Pregnancy, or Foster Child

Anticipated children that are not currently living in the unit will be taken into consideration when determining unit size, and in some cases when determining income limits. The rules as laid out in Chapter 3 of HUD Handbook 4350.3 REV-1 are as follows:

- Family Addition Adoption: Counts for income limits and unit size.
- Family Addition Pregnancy: Counts for income limits and unit size.
- Family Addition Foster Child: Counts for unit size.

When these anticipated children become a reality and move into the unit, an interim recertification is required including the child as a family member if the addition is due to adoption or pregnancy, or as a household member if the addition is due to a foster child.
Joint Custody Agreements
Children in joint custody agreements whose parents both live in assisted housing, may receive a dependent deduction in only one of the assisted units at any given time. The determination of which parent will receive the deduction will remain with the parents. All families with single parents will be asked on their move-in and annual/interim recertification checklists or questionnaires if they are in a joint custody agreement, and if so, does the other parent live in assisted housing. If there is a joint custody agreement and both parents live in assisted housing, a declaration must be made by each parent at each certification which parent will receive the dependent deduction.

Children Who are Away at School
Management will not include as a family member a child who is away at school and who has established residency at another address or location as evidenced by a lease agreement. The new address or location is considered the student’s principle place of residence.

Property Standards for Unit Assignment

Assigning a Smaller Unit Than Required
Management will consider assigning a family to a smaller unit size than the standards listed above if the family requests the smaller unit, is eligible for the smaller unit based on the number of family members, and occupancy of the smaller unit will not cause serious overcrowding, or will not conflict with the local codes.

Assigning Units Larger Than Required
Management will consider assigning a family to a larger unit than the standards listed above if no eligible family in need of the larger unit is available to move into the unit within 60 days, the property has the proper size unit for the family but it is not currently available, and the family agrees in writing to move at its own expense when a proper size unit becomes available.

Change in Size after Initial Occupancy
After a family moves into a unit, if the unit becomes underutilized due to a change in family size, management will require the family to move to a unit of appropriate size, if it is available. If the family refuses to move to the correct size unit, the family may stay in the current unit and pay the market rent. Management will not evict the tenant for refusing to move, but will evict the family if it fails to pay the market rent in accordance with the lease.

Change in Need for Accessible Features
If a family is in an accessible unit but no longer needs the accessible features, management may request that the family move to another unit in the property.

Property Standards for Behavior
The applicant family will be judged on past habits and practices related to tenancy and not on any attribute or behavior which may be imputed to a particular group or category of persons of which an applicant may be a member.

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. If a resident selects a non-barrier free unit, that household will need to sign a 504 Compliance release form.

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

Policy for Unit Transfers

Requests from Residents
Once an applicant has become a resident, a transfer of units may be warranted. If a resident has an increase in family size, or has a medical/health condition that warrants a larger unit or a unit that has special design features for a person with disabilities, a transfer may be requested. All transfer requests must be made in writing, and must state the reason for the request and will be considered on a case by case basis. The request will then be forwarded to the property manager for final approval.

Requirement by Management
On occasion a property manager may require a resident to transfer to a smaller unit size. This may occur when the household composition decreases and the household no longer qualifies for the unit size in which they are dwelling. If a unit of appropriate size is not available, the management agent will not evict the household and will not increase the household’s rent to the market rent. However, if an appropriately sized unit is available and the household refuses to move, the household may stay in their current unit and pay the HUD-approved market rent. The management agent may evict the household if the household fails to pay the market rent in accordance with the lease.

Acceptable Reasons for Transfers
Current residents may qualify for a unit transfer for one of the following conditions:

- Medical/health conditions, including inability to use stairs, or the need for a live-in attendant, as verified by a Physician or other licensed/authorized/designated medical professional.
- Household size increases or decreases, or composition changes;
- There is a need for a unit with special design features for a person with disabilities.
- Invoking VAWA protections and requesting an emergency transfer

Placement on Transfer Waiting List
If the property manager approves a request for a transfer to a different unit, and there is no current unit available, the resident will be placed on the property’s transfer waiting list. In-house residents that must be transferred due to overcrowding will be transferred first. Residents needing transfers due to medical reasons must have a written physician’s statement.

Procedures for Filling Vacancies
If a request for a transfer to a different unit is approved, the resident agrees to pay all transfer costs prior to the move. Costs may include damages that are beyond normal wear and tear. However, if a resident is transferred as an accommodation to a household member’s disability, then management will be obligated to pay the costs associated with the transfer as discussed under Section 504 of the Rehabilitation Act of 1973 of Chapter 2 of HH 4350.3 REV-1.

Priority for Filling Vacancies
The property will fill its vacant units with current residents awaiting transfers before applicants from the property’s waiting list. Unit transfers that are required by management will take priority over resident requested transfers.
VI. Screening to Determine Applicant Eligibility

Applicant Screening Policy
All applicants for assisted housing will be screened according to the criteria set forth in HUD’s Occupancy Handbook, HUD Handbook 4350.3 REV-1. Certain key questions relating to the applicant’s eligibility and resident history will be asked, including Social Security numbers, and the names, addresses and telephone numbers of current and former landlords. Failure to provide this information will result in termination of application processing. Property staff will assist applicants, as needed, in understanding the application process and completing forms. Applicants will be instructed on what aspects of their background will be checked. All screening will be conducted by a private reporting agency authorized by the management. An applicant has the right to voluntarily withdraw from the application process at any time.

Tenant Screenings:
The following tenant screenings will be processed during the time of application at this property:

A. Past performance in meeting financial obligations, including rent as determined by a credit check.

B. A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences. Which may adversely affect the health, safety or welfare of other residents, or cause damage to the unit or development. This will be verified with landlord verification.

C. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety or welfare of other residents or has a record of criminal activity related to stealing, or damaging personal or real property.

D. A record of eviction from housing, or termination from a state or federally subsidized housing program.

E. An applicant’s ability and willingness to comply with the terms of the property’s lease and the Resident Policy Handbook.

F. An applicant’s misrepresentation of any information related to eligibility, allowances, household composition or rent.

G. Sex offender check – Dru Sjodin National Sex Offender Public Website.

H. Office of Inspector General Registration-Fraud.

I. Address search

Things Samaritas Affordable Living of Rochester Hills Property will Not Check
A. The property is not allowed to require physical examinations or medical testing as a condition of admission.

B. The property will uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy, but will not impose greater burdens on persons with disabilities. Persons with disabilities may meet the requirements of the lease with the assistance of others such as attendant care providers.

C. The property will not require a donation, contribution or membership fee as a condition of admission.

D. It is unlawful for the property to make an inquiry to determine whether an applicant has a disability, or to make inquiry as to the nature or severity of a disability.

Procedures to Determine an Applicant’s History

Screening for Past Credit History Performance
- The property will run a credit check and obtain a credit report on each applicant. Fees to obtain the credit checks will be paid by the facility. The purpose of these checks is to obtain information on the applicant’s past history of meeting financial obligations, future ability to make timely rent payments, and to describe whether the applicant has ever been evicted from a rental unit. The manager will reject an applicant for a credit history showing a delinquency on their accounts. The project will exclude any poor credit screening related to foreclosure or medical debt. The manager will screen all applicants for their credit activity. The manager will reject an applicant for a credit history showing a delinquency on accounts. The manager will not reject an applicant for a lack of a credit history. This property will review credit for a 10 year prior period to move-in and applicants must score a C or greater in the credit scoring system.
• Past performance for meeting financial obligations will be checked by contacting the current landlord and at least one prior landlord and/or utility supplier (if applicable). If an applicant is able to document through landlord references that she/he is complying with lease terms in current residences, and has so in former residences, the property will consider those recommendations as complying with the property lease.

Record of Disturbance
• The property will check with the current landlord and up to two former landlords for potential problems regarding disturbance of neighbors, destruction of property, or housekeeping habits that would pose a threat to other residents.
• If the applicant is not currently living under a lease with a landlord, the current housing provider will be asked to verify the applicant’s ability to comply with HUD subsidized lease terms. Any area for which the applicant has upkeep responsibility will be inspected.
• Documentation of current use of illegal drugs on the part of any applicant household member will be sufficient grounds to reject the applicant family.
• An applicant’s behavior toward property staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward staff will be noted in the file.

Involvement in Criminal Activity
• Involvement in criminal activity by any member of an applicant’s household that would adversely affect the health, safety or welfare of other residents will be verified through the State of Michigan I-CHAT system for Michigan residency along with the private reporting agency for all non-Michigan residencies. Criminal conviction activity will be reviewed for a ten year period prior to application processing. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety or welfare of other residents or has a record of criminal activity related to stealing, or damaging personal or real property.

Screening for Drug Abuse and Other Criminal Activity
The manager will deny admission if:
• Any household member has been evicted from federally assisted housing for drug-related criminal activity, for 10 years from the date of eviction. If the evicted household member who engages in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, the manager may, but is not required to, admit the household.
• Any household member is currently engaging in illegal drug use, including marijuana.
• The manager determines that there is reasonable cause to believe that a household member’s illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord references, information recorded by local or other law enforcement authorities, etc.)
• The manager determines that there is reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Record of Eviction
• Staff will check property records, landlord records and other court records to determine whether the applicant has been evicted from any other property in the past.
• Staff will consider the date and circumstances of any past eviction or termination in determining its relevance to property tenancy.

Screening for Sex Offenders
Management will deny admission to any member of the household that is subject to a sex offender registration requirement under a state sex offender registration program. In accordance with Federal law, management is establishing this standard to prohibit admission to this federally assisted property to sex offenders subject to a sex offender registration requirement under a state sex offender registration program. Management will perform the necessary background checks in the state where the housing is located and in other states where the household members are known to have resided. Registration on a sex offender listing will be checked during move-in and annually at recertification through the Dru Sjodin National Sex Offender Public Website.

Office of Inspector General Registration
The OIG, under Congressional mandate, established a program to exclude individuals and entities affected by various legal authorities, contained in sections 1128 and 1156 of the Social Security Act, and maintains a list of all currently excluded parties called the List of Excluded Individuals/Entities.
Bases for exclusion include convictions for program related fraud and patient abuse, licensing board actions and default on Health Education Assistance Loans.

Address Screening
Address screening will provide all known addresses for an applicant nationwide provided by a third party vendor.

Violence Against Women Act
Criminal activity directly relating to domestic violence, sexual assault, dating violence, or stalking, engaged in by a member of a resident’s household or any guest or other person under the resident’s control, shall not be cause for termination of assistance, or occupancy rights if the resident or an immediate member of the resident’s household is the victim or the threatened victim of that abuse.

An incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be “good cause” for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence. The property will not deny the victim admission to the property. However, any member of the household charged with criminal domestic violence, dating violence or stalking will be denied assistance. VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.

Form HUD-91066, Certification of Domestic Violence, Dating Violence or Stalking
All current tenants will be provided the option to complete form HUD-91066, Certification of Domestic Violence, Dating Violence or Stalking. This form will also be made available to all families at the time of admission.

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

Form HUD-5380, Notice of occupancy Rights under the VAWA
Form HUD-5380, HUD’s Appendix A, codifies the core protection across HUD’s covered VAWA programs ensuring survivors are not denied assistance as an applicant, or evicted or have assistance terminated due to having been a victim of domestic violence, dating, sexual assault and stalking or for being affiliated with a victim. This notice must be given to all applicants being denied housing, to all resident households at move-in, attached to any notice of eviction or termination and to all current residents, at recertification, during the timeframe of December 16, 2016 through December 15, 2017.

Form HUD-5381, Emergency Transfer Plan for Victims of domestic violence, Dating Violence, Sexual Assault, or Stalking
Form HUD 5381, HUD’s Appendix B, details our emergency transfer plan for those individuals evoking their rights under VAWA. A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is eligible for an emergency transfer, if the tenant reasonably believes 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. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit.

Form HUD 5382, Certification of Domestic violence, Dating violence, Sexual Assault, or Stalking, and Alternate Documentation
Form HUD 5382, HUD’s Appendix C, If you are seeking VAWA protections the resident, or someone on their behalf, will be requested to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault or stalking. This documentation may include but is not limited to:

- document signed by the resident and an employee, agent or volunteer of a victim service provider, an attorney or medical professional or mental health professional from whom you have sought assistance relating to VAWA
- a record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency
- at the discretion of property management, a statement or other evidence provided by the applicant or tenant

This notice must be given to all applicants being denied housing, to all resident households at move-in, attached to any notice of eviction or termination and to all current residents, at recertification, during the timeframe of December 16, 2016 through December 15, 2017.

Form HUD 5383, Emergency Transfer Request for Certain victims of Domestic violence, Dating violence, Sexual Assault, or Stalking
Form HUD 5384, HUD’s Appendix D, if you are seeking an emergency transfer, you or someone on your behalf may be requested to complete this form requesting an emergency transfer and certifying that you meet the requirements of eligibility for an emergency transfer under VAWA. Requirements include:

- You are a victim of domestic violence, dating violence, sexual assault, or stalking.
You expressly request the emergency transfer
You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit, or you are a victim of sexual assault and the assault occurred on the premises during the 90 calendar day period before you request a transfer

**Misrepresentation of Information**
If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about his/her current situation, history, or behavior in a manner that would affect eligibility, applicant selection criteria qualification, allowances or rent, the application shall be rejected.

**Screening of Live-In Aides or Persons to be Added to the Household**
As per Par 4-7B5 of HUD Handbook 4350.3 REV-1, management will screen live-in aides and new additions to the tenant household for drug abuse and other criminal activity by applying the same criteria established for screening other applicants; this includes an EIV system check.

### VII. Marketing

**Fair Housing Requirements**
The property undertakes a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, or national origin. Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the HUD-approved AFHMP, and as indicated below.

#### Race and Ethnic Data Reporting
The property will offer all members of an applicant/tenant family the option of completing Form HUD-27061-H, Race and Ethnic Data Reporting Form. This form is used for gathering race and ethnic data in assisted housing programs. The form will be offered for completion at application or at lease signing. There is no penalty for persons who do not complete the form. A note will be placed in the file of any family member who chooses not to complete the form.

#### Affirmative Fair Housing Marketing Plan (AFHMP)
The property complies with the requirements of the HUD-approved AFHMP established for the property, which is designed to promote equal housing choice for all prospective residents regardless of race, color, religion, sex, disability, household status, or national origin. The purpose of the plan is to ensure that eligible households of similar income levels will have a similar range of housing opportunities. The plan outlines marketing strategies the manager will use. Special efforts will be made to attract persons who are least likely to apply due to such factors as the racial or ethnic composition of the neighborhood. Marketing will also seek to reach potential applicants outside the immediate neighborhood if marketing only within the neighborhood would create a disparate impact against certain classes, such as the case of an entire neighborhood that includes no minorities.

**Special Marketing Requirements for Units with Section 8**
The manager will target its marketing and outreach activities for any units with Section 8 to attract applicants with incomes below the VL-income limit. In addition, for income-targeting requirements, the property will market to attract applicants with incomes at or below the extremely low-income limit.

#### Monitoring and Documenting Marketing Activities
Documentation will be made available, upon request, for all marketing activities, to show consistency with affirmative fair housing marketing requirements and the approved plan for the property. This documentation will include copies of media and marketing materials, records of marketing activities conducted, and documentation of any special marketing activities conducted in accordance with the property’s approved AFHMP.

**Five-year Review of Plan**
The property will review the AFHMP every five years and update it as needed to ensure compliance with HUD regulations. If the demographics of the area have changed, the property will determine whether advertising efforts should be targeted to different groups. The AFHMP will be revised whenever a substantial change takes place, or the local Consolidated Plan is updated, and be submitted to HUD for approval.

#### Advertising
**Population to be Targeted**
When available units cannot be filled from applicants on a waiting list, the property will target advertising to groups other than the typical population of the neighborhood, and will reach out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the community or persons with LEP.
Form of Advertisement
All advertising includes either the HUD-approved Equal Housing Opportunity logo, the Equal Housing Opportunity slogan, or an equal housing statement and must also have the Persons with Disabilities logo. All visual advertising will depict members of all eligible protected classes including individuals from both majority and minority groups.

Source of Advertising
The property will use the following public forums and media for its advertising:
- Community Housing Network
- Older Persons Commission
- Area Agency on Aging
- Latino Press
- Pontiac Housing Commission
- Samaritas.org

Fair Housing Poster
The property has posted the required Equal Housing Opportunity poster in a window of the Leasing Office of the appropriate size so that it is readily apparent to all persons seeking housing.

VIII. Waiting List Management
Anyone who wishes to be admitted to the property or to be placed on the property’s Waiting List must complete an application. The application must include a signature certifying the accuracy and completeness of information provided. If the applicant is placed on the property’s Waiting List, the list will note the name of the applicant, the date and time of application, the type of income, the size of unit desired, and any other pertinent information.

Accommodating Persons with Disabilities
The property will accommodate persons with disabilities who cannot utilize the property’s preferred application process, by providing alternative methods of application in-take (e.g. accepting mailed or online applications). In addition, the public notification of any closing or opening of the property’s waiting list will comply with HUD fair housing requirements, such as adopting suitable means to assure that notices reach eligible individuals with disabilities and those with limited English proficiency. The property also ensures that notices of and communications during all meetings will be provided in a manner that is effective for persons with hearing, vision, and other communications-related disabilities consistent with Section 504 and ADA. This includes ensuring that meeting sites are accessible and auxiliary aids and services are provided as needed, e.g., materials in Braille, audio, and large type; sign language interpreters, computer-assisted real time transcription (CART) services, and assistive listening devices, etc. The opening of the property’s waiting list and accepting applications for limited periods, will always be done in a manner advocated in HUD’s Notice H14-16, and will be done for periods longer than a single day, which could create disorderly and unsafe application intake. Applications will be made available ahead of time, and in multiple venues, both physical and online, which will create safer, more accessible, and more effective application intake.

Selecting Names from the Waiting List
The property will select names from the waiting list in chronological order to fill vacancies or to fill appropriate unit type, including accessible units unless an extremely low-income applicant is needed to achieve targeting requirements, and the next applicant on the waiting list has income above the extremely low-income limit. In such a case, a notation will be made on the waiting list to indicate why this applicant was skipped for an extremely low-income applicant.

Applicant’s Refusal to Accept a Unit
When appropriately sized units are offered to applicants, and an applicant turns down unit offers two consecutive times, the applicant will be placed at the bottom of the Waiting List.

Preferences
The property has not adopted any preferences for admission.

Maintaining the Waiting List
In order to maintain a balanced application pool, the property may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Decisions about closing the waiting list will be based on the number of applications available, and the ability of the property to house an applicant within a reasonable period of time. Closing the waiting lists, restricting intake, or opening the waiting lists will be publicly announced in the Oakland County Press.
Policy for Closing the List
Potential applicants whose names appear on the waiting list will be notified via mail of the closure of the waiting list. The waiting list closure will also be published in the newspaper listed above, and will state that additional applications will not be accepted until the waiting list is no longer excessive. During the period when the waiting list is closed, the property will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

Reopening the List
If there is a need to reopen the waiting list, the property will advertise in the newspaper listed above, explaining the rules for applying, when and where to apply, and the order in which applications will be processed.

Updating the Waiting List
The Waiting List will be updated annually. Applicants must contact the property the first of every year between January 2nd and January 31st in order to stay on the Waiting List. The property will update the waiting list by removing the names of those who are no longer interested in, or who are no longer qualified for, assisted housing. The applicant is responsible to update the application with any changes that may occur to remain active on the current waiting list.

Removal of Applicants from the Waiting List
The property will not remove an applicant’s name from the waiting list unless:

- The applicant requests that the name be removed.
- The applicant was clearly advised of the requirement to tell the property of his/her continued interest in housing by a particular time and failed to do so. Those applicants failing to respond within the required time frame will be removed from the list. They may reapply at any time, but will not assume their old position on the list.
- The property made a reasonable effort to contact the applicant to determine if there is continued interest in housing, but has been unsuccessful.
- The property has notified the applicant of its intention to remove their name because they no longer qualify for assisted housing.
IX. Application Intake and Processing

Application Intake
All applications will be taken at the property leasing office whose official address is:

Samaritas Affordable Living of Rochester Hills
2566 Walton Blvd.
Rochester Hills, MI 48309

Communications with Applicants
All communications with applicants will be by first class mail, electronic mail, or by telephone. Failure to respond to letters or phone messages may result in withdrawal of an application from further processing. The property will make exceptions to these procedures to take into account circumstances beyond the applicant’s control, such as medical emergencies or extreme weather conditions.

Race/Ethnicity Data Collection
The applicant provides self-certification of their race and ethnicity for data collection by using form HUD-27601-H, Exh 4-3 of HH 4350.3 REV-1. Completing this form is optional and there is no penalty for not completing it.

Written and Signed Applications
Written applications will be accepted from anyone who wishes to apply. Every application must be completed in full with no missing information and signed by the applicant(s). The information requested on the application form includes:

- Household characteristics such as name, sex, age, disability status (only where necessary to establish eligibility), need for an accessible unit, and race/ethnicity;
- General household contact information such as address, phone number, etc.;
- List of all states lived in the last 10 years;
- Sources and estimates of the household’s anticipated annual income and assets;
- Social Security number(s);
- Citizenship Declaration Form;
- Higher education student status (only if a member of the household is a student in higher education);
- Identification of preferences for which the household qualifies (only if preferences are used at the property);
- Screening information, which may include prior landlord, credit, and drug/criminal history;
- Marketing information regarding how the applicant heard about the property; and
- Certification from the applicant stating the accuracy and completeness of information provided, and an acknowledgement that the applicant has read the Privacy Act and understands the disclosure requirements.

Supplement and Optional Contact Information
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 who 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.

Offering Assistance to Applicants
Staff will be prepared to assist any applicants who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision or language problems and, in general, making it possible for interested parties to apply for assisted housing. Applicants have the right to submit supplemental information.

Determining an Applicant’s Eligibility

Preliminary Determination
Before putting any applicant on a waiting list, the property will make a preliminary eligibility determination to ensure that there are no obvious factors that would make them ineligible, including age, income and appropriate household size.

Placement on a Waiting List
If a preliminary screening indicates that a household is eligible for tenancy, but units of appropriate size are not vacant, the manager will place the household on a Waiting List according to the date and time the application was received in the rental office. The household will be notified when a suitable unit becomes available.
Placement on More than One List
Families may request and be placed on more than one waiting list, as long as they are eligible for the appropriate bedroom size. For instance, a family of 2 that includes an adult person with disabilities and a dependent is eligible for both an efficiency and a 1-bedroom unit.

Applicant Interview/Briefing
As applicants approach the top of the waiting list they will be contacted to schedule an interview to verify all information given on the application. The interview will be conducted in accordance with HUD Handbook 4350.3 REV-1. The property will confirm and update all information provided on the application, and will explain program requirements, verification procedures, and penalties for false information, which include eviction, loss of assistance, fines up to $10,000, and imprisonment up to five years. The applicant will be asked to sign the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 and 9887-A) and any other necessary verification requests.

Ineligible Applicants
At the completion of the verification process, applicants will be ineligible to move into the property if:
• 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;
• Household members have failed to meet disclosure requirements for Social Security numbers;
• Household members have failed to sign the release of information forms; and,
• Landlord reference checks reveal that the applicant has a history of nonpayment of rent, eviction for nonpayment of rent, history of disruptive behavior, or history of damaging site property.

X. Verification Requirements and EIV

Verification of Eligibility Factors
Verification of Family Composition and Age
Management will verify family composition to determine the appropriate unit size for the family. In addition, verification of age will be obtained since eligibility for this Section 202/8 property is dependent on the head, spouse, or co-head being 62 years of age or older.

Acceptable Verifications of Age
• Birth Certificate
• Baptismal Certificate
• Military Discharge Papers
• Valid Passport
• Census Document showing age
• Naturalization Certificate
• SSA Retirement Benefits Printout
• SSI Benefits Printout

Verification of Disability
Verification of disability may need to be obtained to determine whether a family or person meets the definition of disability used to determine eligibility for a project, preferences, or an allowance, or to identify applicant needs for features of accessible units or reasonable accommodations. Management will not specifically ask for or verify the nature and extent of the disability.

Acceptable Verifications of Disability
Verification of disability may be provided by:
• Receipt of supplemental social security disability or social security disability benefits, which would provide verification that an individual met the handbook definition of person with disabilities; or
• Verification by a reliable source that the individual meets the relevant definition of a person with a disability for this property.

Verification of the Need for an Assistance Animal
Some applicants or residents may require the use of assistance animals as a reasonable accommodation for a disability. Management will verify that the applicant/resident has a disability and that there is a disability-related need for the requested accommodation. Management will provide documentation of the disability and the need for the animal from an appropriate third party, such as a medical provider, mental health provider, or other professional in a position to provide this verification.
Verification of Income Eligibility
All sources of income required by HUD to be included in a family’s income and used to determine applicant eligibility will be verified by management in accordance with Chapter 5 of HUD Handbook 4350.3 REV-1. This includes using the EIV system for up-front verification of employment and income information.

Verifying Zero Income
If an applicant reports zero income at the time of application, management will advise her/him that if they are still at zero income when they become a resident, they will be asked to complete a questionnaire prepared by the property stating their source of necessary living items that are not covered by Food Stamps or other federal assistance sources. After 90 days at zero income, and for every 90-day period thereafter, the resident will be recertified to determine if they have begun to receive any type of income. At the time of these 90-day interim recertifications an EIV No Income Reported by SSA or HHS will be run by management to determine if EIV is reporting any income for this individual.

Verification of Social Security Numbers
Applicants and residents, excluding individuals who do not contend eligible immigration status and residents age 62 or older as of 1-31-10, whose initial determination of eligibility was begun before 1-31-10, and households with children under the age of 6 who were added to the household within the 6-month period prior to the household’s date of admission, will be required to disclose and provide verification of the complete and accurate SSN assigned to each household member. (See Section III of this plan for more information.)

Adequate Documentation
Adequate documentation to verify the SSN of an individual is a social security card issued by the SSA, an original document issued by a federal or state government agency which contains the name and SSN of the individual along with identifying information of the individual, or other acceptable evidence of the SSN listed in Appendix 3.

Verification of Citizenship and Immigration Status (Section 202/8 Properties Only)
This Section 202/8 property is subject to the restriction on assistance to noncitizens. Management will require all applicants to provide a citizenship Declaration Form identifying whether they are a citizen, a noncitizen with eligible immigration status, or a noncitizen that is not contending eligible immigration status. See Section III of this plan for verification requirements for applicants claiming to be citizens or eligible noncitizen immigrants. Applicants who are noncitizens and who are not containing eligible immigration status are not required to verify their noncitizen status.

Verifying Eligibility of a Student for Assistance
This property is subject to the restriction on assistance to students of higher education. Management will verify parent’s income, whether jointly or individually, at each certification that the student is in school, whether full time or part time, unless the student is claiming independence from parents. If the student is claiming independence from parents, management will verify the student’s independence in accordance with Par 3-33 of HH 4350.3 REV-1.

Required Consent and Verification Forms

Required Consent Forms
Adult members of assisted households must authorize management to request independent verification of data required for program participation. To provide management with this authorization, adult household members must sign two HUD-required consent forms, plus the manager’s specialized verification forms. Refusing to sign the Authorization for Release of Information by any adult family member will cause the family to be ineligible for assistance. See Section III for more information.

Management-Created Verification Forms
All information relative to eligibility and level of assistance as listed below will be documented, and appropriate verification forms or letters placed in the applicant file. Management has created verification forms for specific verification needs which it will utilize when requesting information from employers, banks, child care providers, doctors, pharmacies, etc. No decision to accept or reject an application will be made until all verifications have been collected. Management staff will be the final judge of the credibility of any verification submitted by an applicant/resident.

- Income, assets, family composition, and Social Security numbers;
- Deductions for such things as dependent status, age, childcare, disability, disability expenses, and medical costs;
- Documented ability and willingness to abide by lease requirements, previous history of tenancy, rent paying, caring for a home, and criminal activity of any family member.

Certification Checklist/Questionnaire
Each member of an applicant/tenant family who is 18 years of age and older will be required to complete a checklist/questionnaire at MI and each AR, IR, and IC, certifying to any income, assets, deductions, or level of eligibility.
Verification Documentation

Documentation used as part of the verification process may include:

- Certification Checklists/Questionnaires as listed above;
- Management-created verification forms, completed and signed by third parties;
- Tenant-provided documents, such as pay stubs, unemployment monetary benefit notices, etc.
- Reports/letters of interviews; and
- Notes of telephone conversations with reliable sources. At a minimum, telephone conversations will indicate the date of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

Acceptable Verification Methods

All verifications of eligibility, income, assets, and deductions will be attempted in the following order:

- Upfront-income verification (UIV) with use of EIV being mandatory and use of non-EIV UIV being optional;
- Written third-party verification;
- Oral third-party verification, with a record kept in the file;
- Family Certification. If third-party verification is not available, management will document the resident file to explain why third-party is not available.

Dispute of EIV Information

Securing income information through HUD’s EIV system will always be management’s first choice of verification. If the resident disputes the information obtained in EIV, management will request written 3rd party verification. For each file where EIV is not used, the file will be documented to show that management attempted to obtain third-party written documentation before relying on some less acceptable form of information.

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 a large number of individuals. It is also known as automated written third party verification.

Use of EIV Data and Reports

Management has trained its staff regarding the use of all EIV data and reports, as outlined in the property’s EIV Policies and Procedures manual at the property. 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 3 years after tenancy is terminated.

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.

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.

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 factors.
**Attempted Fraud**

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined in Par 8-13A of HUD Handbook 4350.3 REV-1 as an applicant/resident knowingly providing inaccurate or incomplete information. Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants. Management considers false information about income, assets, family composition, Social Security numbers, allowances, and previous resident or criminal history to be grounds for rejecting an applicant.

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

**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 also retained in the resident’s file.

**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.

**XI. Making an Occupancy Determination**

**Rejection or Admission**

If at any point in the screening process it becomes clear to the property that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to the staff for further work. If an applicant is clearly eligible and passes the screening criteria, admission will be authorized. Likewise, if the applicant is ineligible, rejection will be authorized.

**Rejection of Ineligible Applicants**

Applicants who do not pass the eligibility requirements will immediately be sent a Notice of Rejection. This written notice will specifically state the reason for the rejection, and will inform the applicant of her/his right to respond to management in writing, or to request a meeting within 14 days to dispute the rejection. Applicants will be ineligible to move into the property for any one of the following reasons:

- 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;
- In a 202/8 property, the applicant’s rent based on HUD’s rent formula, exceeds the gross rent for the unit;
- Household members have failed to meet disclosure requirements for Social Security numbers;
- Household members have failed to declare citizenship/non-citizenship status;
- Household members have failed to sign the release of information forms; and,
- Landlord reference checks reveal that the applicant has a history of nonpayment of rent, eviction for nonpayment of rent, history of disruptive behavior, or history of damaging site property.
- Household members falsifying information on an application or any submitted verification forms will be disqualified.

**Certain Prohibitions for Rejecting Applicants**

**Prohibition of Rejecting Applicants because of Discrimination**

Management will not discriminate against an applicant based on race, color, religion, sex, national origin, familial status, disability (including mental or emotional illness), ancestry, age, marital status, receipt of Public Assistance, parental status, or political ideology.
Prohibition of Rejecting Applicants because of Disabilities
Management will comply with HUD’s prohibition of rejecting an applicant because s/he has a disability, or for reasons that could be overcome by the property’s reasonable accommodation of the applicant’s disability. If, even with a reasonable accommodation, applicants with disabilities cannot meet essential program requirements, management will be permitted to reject them. Such insurmountable problems might arise because of behavior or performance in past housing, inability to comply with the terms of the property’s lease, or needed services from property staff that represent an alteration in the fundamental nature of the property’s program. An applicant who has a disability but who is able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, abstaining from criminal behavior, and complying with the property’s lease, would be recommended for admission with no further reference to or consideration of any disability.

Allowable Reasons for Rejection
Failing HUD’s Eligibility Requirements
The property will reject an applicant if s/he:

- Is ineligible for occupancy based on HUD’s guidelines as indicated in HUD Handbook 4350.3 REV-1;
- Is unable to disclose and document a SSN for all family members except for those individuals who are exempted (see Section III of this plan);
- Does not sign and submit verification consent forms or the Authorization for Release of Information (Forms HUD-9887 and HUD-9887-A);
- Has household characteristics that are not appropriate for the unit sizes that are available;
- Has not declared citizenship or noncitizenship status, or signed a statement electing not to contend noncitizen status;
- Does not meet the property’s screening criteria as set forth in this Tenant Selection Plan. If this item is the cause for rejection, the letter of rejection will specifically state in which area the applicant did not pass the screening criteria, as indicated below.

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 MF 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.

Failing the Property’s Screening Criteria
Reasons for failing the property’s resident screening criteria include:

- A household 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 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 household member was evicted in the past ten (10) years from federally assisted housing for drug and criminal activity;

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 MF 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.
• A household 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 use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in good and clean condition, or any other conduct or neglect which could result in health or safety problems or in damage to the premises.
• When management performs credit reports on all of their applicants, they may deny a household residency that has a failing or unfavorable credit report.

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, the property will enact the following guidelines in the screening of applicants:
  • The property will limit their 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.
  • The property 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.
  • The property has adopted a screening look-back period of ten (10) years when considering drug-related criminal activity and a ten (10) year 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. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety or welfare of other residents or has a record of criminal activity related to stealing, or damaging personal or real property.

Appeal Process
All denied applicants have 14 days to respond in writing, or to request a meeting to discuss their rejection. The Subsidized Housing Division’s Appeals Committee will conduct any meeting with the applicant. A written response will be sent to the applicant within 5 days following the appeal meeting with the final decision. The Subsidized Housing Division Appeal Committee 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

Acceptance of Eligible Applicants
As applicants approach the top of the waiting list they will be contacted to schedule an interview to verify all information given on the application. The interview will be conducted in accordance with HUD’s Occupancy Handbook, HUD Handbook 4350.3 REV-1. The interview may be conveyed in languages other than English for LEP persons. The property will confirm and update all information provided on the application, and will explain program requirements, verification procedures, and penalties for false information, which include eviction, loss of assistance, fines up to $10,000, and imprisonment up to five years. The applicant will be asked to sign the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 and 9887-A) and any other necessary verification requests.

Offering a Unit
Section 202/8 Properties
When a unit becomes available at a Section 202/8 property, it will be offered either to the first Extremely Low-income applicant on the Waiting List, or, if the income-targeting percentage has already been met, to the first applicant at the top of the Waiting List.
**Contacting the Applicant**

If the applicant cannot be contacted within five (5) working days, the offer will be canceled and the unit will be offered to the next applicant on the Waiting List. In that event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the Waiting List. If the applicant replies affirmatively, their application will retain its position on the Waiting List. The applicant will be advised at that time that if another unit becomes available and they cannot be reached within five (5) working days, their name will be moved to the bottom of the waiting list. If the applicant’s reply is negative, or if no reply is received within five (5) working days, the application at a Section 202/8 property will be withdrawn.

**Briefing the Applicant Prior to Possession**

Management will hold a meeting prior to the applicant taking possession of their unit to ensure that all new residents understand the terms of the lease, lease attachments, rent, security deposit, charges for facilities and services, maintenance, damages, residents’ rights, recertification requirements, unit inspections, house rules, penalties for fraud, and conditions for termination of assistance and tenancy. At the briefing management will give new residents an opportunity to ask questions and discuss the information being presented.

**Preparing to Move In**

- The applicant and site manager will inspect the unit, and will both sign the Move-In Inspection Form;
- All applicants will sign the lease and related documents;
- The applicant will pay the security deposit by personal check, bank check, cashier’s check or money order;
- The applicant will pay the pet deposit (if applicable) by personal check, bank check, cashier’s check or money order;
- The applicant will pay the rent for the first month or partial month of occupancy by personal check, bank check, cashier’s check or money order;
- The applicant will be given a copy of the lease, the HUD-50059 Form used to certify the rent, the Initial Notice for next year’s Annual Recertification, the Move-In/Move-Out Inspection Form, House Rules, the Lead Hazard Information Pamphlet and Lead-Based Paint Disclosure Form (if applicable), a HUD Fact Sheet describing the program and how the property determined the rent, the Resident Rights and Responsibilities brochure, the EIV & You brochure, and the receipt for the security deposit and first month’s rent.

**Unit Inspections**

Before executing the lease the owner’s representative and the resident will jointly inspect the unit. The move-in inspection form will be used to indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary, and in good repair. If cleaning or repair is required, the manager will specify on the form the date by which the work will be completed, which will be no later than 30 days after the effective date of the lease. The inspection form must be signed and dated by both the manager and the resident. Inspections will be conducted annually thereafter to ensure compliance with the lease and Resident Policy Handbook. Interim inspections may be conducted by management with prior notification to the resident for reasons including but not limited to: determining the need for repairs, lease compliance, written complaints, potential health or safety violations, or making a determination of abandonment of the unit.

**Initial and Renewal Leases**

Applicants will be required to sign a lease for the program under which they are being admitted, in accordance with Figure 6-2 of HUD’s occupancy handbook, HUD Handbook 4350.3 REV-1. The initial lease term and any renewal lease terms will be determined in accordance with Figure 6-3 of the handbook. The lease may also be conveyed in languages other than English for LEP persons, but the English version must be signed.

**Determination of Security Deposit**

Security deposit amounts will be determined in accordance with Figure 6-6 of HUD’s occupancy handbook, HUD Handbook 4350.3 REV-1.

**Pet Deposit (if applicable)**

Pet deposit amounts will be determined in accordance with Figure 6-7 of HUD’s occupancy handbook, HUD Handbook 4350.3 REV-1. The pet deposit will not exceed $300, per HUD rules.

**Rent Calculation**

Monthly rent will be determined in accordance with the resident rent formulas indicated in Exhibit 5-8 of HUD’s occupancy handbook, HUD Handbook 4350.3 REV-1.
Failure to Move In on Time
If an applicant fails to move in on the agreed date, the applicant will be contacted to determine if extenuating circumstances exist. If the property determines that extenuating circumstances do exist, and the applicant cannot immediately move into the property, the application will be returned to its current spot on the waiting list, and the unit will be offered to the next household on the Waiting List. If the property does not find that there are extenuating circumstances, the application will be withdrawn.

XII. Resident Responsibilities at Move-In and Thereafter

The Leasing Process

Lease Requirements
Once an applicant has been approved and is ready to move into their assisted unit, they are required to sign a lease, which is a contract between management and resident that explains the terms for residing in the unit. The lease is legally binding and is enforceable in a court of law. The lease will be provided in languages other than English for Limited English Proficiency (LEP) persons in accordance with HUD Handbook 4350.3 REV-1.

Form of Lease
The lease being used at this property is Appendix 4-C from HUD Handbook 4350.3 REV-1, and will only be modified for documented state or local laws and be approved by HUD.

Required Lease Attachments
The following documents will be attached to the lease:
• HUD-50059, signed by the resident and the manager;
• HUD-50059-A, signed by the manager and, when applicable, by the resident.
• Move-In Inspection Report, signed by both the manager and resident;
• House Rules
• Lead-Based Paint Disclosure form (if applicable);
• Pet Rules (if applicable);
  • Management’s Live-in Aide Addendum (if applicable). NOTE: This addendum will establish that a live-in aide is not eligible to remain in the unit once the resident is no longer living in the unit, regardless of the circumstances for the resident’s departure. The addendum will also give management the right to evict a live-in aide who violates any of the house rules.
  • Management’s Police or Security Personnel Addendum (if applicable).

Signatures
The head of household, spouse, co-head, and all adult members of the household will be required to sign the lease, any HUD-issued lease addendums, and any management’s lease addendums. When a resident transfers to another unit, the manager and all residents required to sign the lease will be required to sign a lease for the new unit.

Lease Term
The Initial Lease Term for this property is one year. The lease will automatically be renewed for successive one-month terms.

Amending the Lease for Rent Changes
Amending the lease for a change in rent provides the manager and resident with an accurate and up-to-date record of an increase or decrease in a resident’s rent. The lease is a legal contract between management and the resident, which stipulates the amount of rent the resident is obligated to pay to the manager each month. By amending the lease for changes in the rent, the resident and management are both aware of the amount of rent the resident must pay to the manager each month.

• Any increase in rent must be governed by HUD regulations and requirements currently in effect. HUD does not require an addendum for a change in the resident’s rent. The printout of the HUD-50059 or HUD-50059-A serves as an addendum identifying the change in rent.
• If the resident rent increases for any reason other than a resident’s failure to comply with recertification requirements, the manager must give the resident 30 days advance written notice of the increase. The notice must state the reason for the increase, and that it revises the rent.
• If the contract rent or assistance payment changes but the resident rent and utility allowance remain the same, the manager need only provide the resident with a copy of the revised HUD-50059 or HUD-50059-A.
Modifying the Lease
The Model Lease for this property may only be modified for documented state or local laws, or when management chooses to include a provision in the lease that permits the manager to enter the leased premises at any time without advance notice to the resident when there is reasonable cause to believe an emergency exists or that the health or safety of a family member is endangered. Modifications to the lease will be made in the form of a lease addendum.

Notice of Modification
Any modification to the lease will only be effective at the end of a lease term. The manager will provide the resident with the approved modification at least 60 days prior to the end of the lease term. The notice will include a copy of the revised lease, or an addendum revising the existing lease agreement. The manager will include a letter clearly stating that the resident can either accept the modification or move, but that a response is due within 30 days. Residents must either accept the modification by signing both copies and returning one to the manager, or refuse the modification and give management a 30-day notice of intent to vacate. If, within 30 days, the resident indicates that the modification is unacceptable or does not respond, the manager will begin procedures for terminating tenancy as set forth in paragraph 8-13 B of the handbook.

Collection of Rent
The manager will accept a resident's personal check for payment of rent. If the resident bounces a rent check, thereafter the manager will refuse to accept the resident's personal check, and will require the resident to pay rent in a guaranteed form, such as a money order, a cashier’s check, or bank check.

Collection of Security Deposit
Security deposits provide management with some financial protection when a resident moves out of the unit and fails to fulfill his/her obligations under the lease. The manager will collect a security deposit at the time of the initial lease execution, and will place the security deposit into a segregated, interest-bearing account. The deposit for this property will be the greater of one month’s Total Tenant Payment or $50.

Interest Earned on the Security Deposit
Management will comply with state and local laws regarding investment of the security deposit and distribution of any interest earned thereon. When state or local law is silent, the actual rate earned on the security deposits will be computed and credited to each resident’s portion of the security deposit. Management will place all security deposits into a segregated, interest-bearing account. The balance of the account will equal the total amount collected from all residents then in occupancy, plus any accrued interest and less allowable administrative cost adjustments.

Refunding and Use of the Security Deposit
In order to receive a refund of the security deposit, a resident must provide the manager with a forwarding address or arrange to pick up the refund. Subject to state and local laws, management may use the resident’s security deposit as reimbursement for any unpaid rent or other amounts the resident owes under the lease. Within 30 days after the move-out date (or shorter time if required by state and/or local laws), management will either refund the full security deposit plus accrued interest to a resident that does not owe any amounts under the lease, or provide the resident with an itemized list of any unpaid rent, damages to the unit, and an estimated cost for repair, along with a statement of the resident’s rights under state and local laws.

• If the amount management claims is less than the security deposit plus accrued interest, the management must refund the unused balance to the resident.
• If the manager fails to provide the list to the resident, the resident is entitled to a full refund of the resident’s security deposit plus accrued interest.

If a disagreement arises concerning the reimbursement of the security deposit, the resident has the right to present objections to the Subsidized Housing Division’s Appeals Committee in an informal meeting. The manager will keep a record of any disagreements and meetings in the resident file for a period of three years for inspection by the HUD Field Office or CA. These procedures do not preclude the resident from exercising any rights under state and local law.

Collection of a Pet Deposit
The pet rules at this property require residents to pay a refundable pet deposit, but apply only to those residents who own or keep cats or dogs in their units. This deposit is in addition to the charge for rent and the security deposit. The maximum amount of the pet deposit that will be charged has been established by HUD and may change periodically. The current pet deposit may not exceed $300. The initial deposit may not exceed $50 at the time the pet is brought onto the property. The pet rules in place at the property provide for a gradual accumulation of the remaining required deposit, not to exceed $10 per month until the deposit is reached. However, a resident may pay the entire amount or in increments that are greater than $10 if s/he chooses to do so.
**Assistance Animals**
Assistance animals are animals that provide disability-related assistance, support, or provide service to persons with disabilities and are exempt from the pet policy and from the refundable pet deposit.

**Uses of the Pet Deposit**
Management will use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet on the property. Such expenses would include, but are not be limited to, the cost of repairs and replacement to the unit, fumigation of the unit, and the cost of animal care facilities. Management will return the unused portion of the pet deposit to the resident within a reasonable time after the resident moves from the property or no longer owns or keeps a pet in the unit.

**Charges for Facilities and Services**

**Damages**
Whenever damage is caused by carelessness, misuse, or neglect on the part of the resident, household member, or visitor, the resident is obligated to reimburse management for the damages within 30 days after the resident receives a bill from management. The property will deduct accrued, unpaid damage charges from the resident’s security deposit at the time of move-out, as allowed by the laws of this state.

**Special Management Services**
The property will charge for special services such as responding to lockout calls and providing extra keys. At the time of move-out the property will charge the resident for each key not returned.

**Checks Returned for Insufficient Funds**
Per Par 6-25B of the handbook, Section 202/8 properties are not allowed to impose a fee on returned checks or bank charges for processing returned checks.

**Annual Recertification Requirements**
To ensure that assisted residents pay rents based on their ability to pay, HUD requires managers to conduct a recertification of family income and composition at least annually. Based on this requirement the property will ask residents to sign consent forms and third party verification forms annually. The property will obtain third-party verification directly from the third party source for the following items:
- Annual income from wages, unemployment, and Social Security benefits when resident is unable to provide acceptable income documentation or disputes the employment and income information in the EIV system;
- Reported family annual income from sources not reporting income data to the EIV system;
- The value of family assets;
- Expenses related to deductions from annual income; and
- Other factors that affect the determination of adjusted income.

**Use of the EIV System at Recertification**
The property will use the EIV Income Report as third-party verification of employment and income unless the resident disputes the information on the EIV report. In addition, the property will use the EIV Income Discrepancy Report to review and resolve any potential discrepancies between the income reported in the EIV system and what has been reported by the resident.

**Annual Sex Offender Background Checks**
HUD has given managers the authority to require a sex offender registration check on residents at annual recertification. Samaritas Affordable Housing Services requires manager’s to perform this check annually. If the sex offender registration check indicates that the resident is in violation of the provisions of the lease, the manager will evict the resident in accordance with the lease and the management’s standards for termination of tenancy. The manager will notify the household of the proposed action based on the information, and will provide the subject of the sex offender registration and the resident with a copy of the information and an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

**Notification System**

**Initial Notice**
Management will initiate the annual recertification process by first notifying the resident at the signing of each lease of their obligation to recertify again the following year. This is called an Initial Notice of recertification. The resident is obligated to respond to this notice by reporting to management at the requested time to complete the recertification process.
Reminder Notices
One hundred twenty days before the new recertification effective date, management will send the resident a First Reminder Notice of their need to report for an Annual Recertification, and to bring income information to the recertification interview. If the resident does not respond to this notice, a Second Reminder Notice will be sent 90 days in advance of the annual recertification effective date, and likewise a Third Reminder Notice/Notice of Termination will be sent 60 days in advance, if the resident has not responded to the first or second reminder notices.

Interim Recertification Requirements
If circumstances occur in a resident’s life that affect his/her ability to pay their rent, a recertification of income, assets, allowances, or household composition should take place before the next scheduled annual recertification is due. This action is called an Interim Recertification. Managers and residents both have certain responsibilities under HUD regulations to initiate interim recertifications to ensure that an assisted resident continues to pay rent according to his/her ability to pay.

Management Responsibility
The manager will process interim recertifications when the resident reports circumstances which would decrease the rent, as indicated in Chapter 7 of HUD’s occupancy handbook, HUD Handbook 4350.3 REV-1. If the manager learns that a resident has failed to report a required change in income or family composition, as listed below, s/he will immediately notify the resident in writing of his/her responsibility to provide information about such changes. The notice will refer the resident to the lease clause that requires the interim recertification, and give the resident 10 calendar days to respond to the notice. In addition, the manager will use the EIV New Hires Report on a quarterly basis to determine if a member of the resident’s household has new employment.

Resident Responsibilities
As required in the resident’s lease, if an assisted resident experiences the following changes in their income or household composition at a time other than their scheduled annual recertification, HUD requires them to immediately report these changes to management, so that an interim recertification can be processed:
• Any household member moves out of the unit;
• An adult member of the household who was reported as unemployed on the most recent certification or recertification obtains employment;
• The household’s income cumulatively increases by $200 or more a month.

Miscellaneous Reporting Requirements
• An interim recertification is not required when a family member turns 18 years of age. However, the family is required to report to management within 30 days of turning 18 to sign the consent forms 9887 and 9887-A.
• Management is required to determine a student’s eligibility for Section 8 assistance at move-in, annual recertification, initial certification, 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 of higher education.
• In Section 202/8 properties only, management must re-determine the citizenship/immigration status of tenants whose original documentation at move-in suggested that their status was likely to change. If the status of a family member in a mixed family changes from ineligible to eligible, the family may request an interim recertification.

Unit Inspections After Move-In
In addition to the unit inspection at MI, there will also be an annual inspection for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, she/he must clean their unit within 30 days for a re-inspection. If a resident has three (3) unsatisfactory inspections, she/he may be required to move out of the property.

Implementation of the Resident Policy Handbook (House Rules)
The property has a Resident Policy Handbook that is attached to the Lease. The House Rules in effect at this property are in place to ensure the safety, care, and cleanliness of the building, and the safety and comfort of the residents. These rules are reviewed bi-annually and may be modified. They are in compliance with HUD, state and local requirements, and do not discriminate against individuals, based on membership in a protected class. The manager will give residents a written 30-day notice prior to implementing any new House Rules. All residents will be given the opportunity to accept the changes in writing. If a resident chooses to reject any House Rule changes, she/he will be required to move out of the property within 60 days. It should be noted that if a tenant has a live-in aide, the live-in aide must be compliant with the house rules, even though they are not a party to the lease. Management has the right to evict a live-in aide who violates any of the house rules.
Pet Rules
The Pet Rules that are attached to the Lease at this property are instituted to help maintain a decent, safe, and sanitary living environment for the residents of the property. The rules include guidelines on the registration and inoculation of pets, the sanitary disposal of waste, and the restraint of pets while in common areas, to help ensure that existing and prospective pet owners know their responsibilities to their pets and neighbors, as well as the property.

Assistance Animals
Management will not apply pet rules to assistance animals and their owners. This prohibition does not preclude a manager from enforcing state and local health and safety laws, nor does it preclude the manager from requiring that a resident with a disability who uses an assistance animal be responsible for the care and maintenance of the animal, including the proper disposal of the assistance animal’s waste. For more information please see the Service & Therapy Animal Policy.

XIII. Termination

Termination of Assistance for Section 202/8 Properties
Management will terminate a resident’s assistance if:
• The resident fails to provide required information at the time of recertification, including changes in family composition, or changes in income or Social Security numbers for new family members;
• The resident fails to sign/submit required consent and verification forms;
• An annual or interim recertification determines that the resident has an increased ability to pay the full contract rent;
• The resident fails to move to a different-sized unit within 30 days after the manager notifies him/her that a transfer is required, and that the unit of the required size is available;
• The resident has begun receiving assistance, the manager is unable to establish citizenship or eligible immigration status for any family members from the information provided by the resident, and determines that the resident does not meet the citizenship requirement;
• Actions to terminate assistance will be based only on a change in the resident’s eligibility for assistance or a resident’s failure to fulfill specific responsibilities under program requirements.

Procedures for Terminating Assistance
When terminating a resident’s assistance, management will, with proper written notice, increase the resident’s rent to market rent. The notice will be served by sending a letter by first class mail to the resident, and by delivering a copy to any adult person answering the door at the unit. If no adult answers the door, the person serving the notice may place it under or through the door, or affix it to the door. The notice will include:
• The specific date the assistance will be terminated;
• The reason(s) for terminating assistance;
• The amount of rent the resident will be required to pay;
• Notification that if the resident fails to pay the increased rent, the manager may terminate tenancy; and
• The resident has a right to request, within 10 calendar days from the date of the notice, a meeting with management to discuss the proposed termination of assistance.

Procedures for Reinstating Assistance
Management may reinstate a resident’s terminated assistance if:
• The original termination of assistance was due to a resident’s failure to recertify, or a resident’s increased ability to pay;
• The original termination of assistance was not due to fraud;
• The resident is eligible for assistance (based on the income and rent calculation, the resident would pay less than market rent); and
• The resident submits the required information.

Termination of Tenancy by Management
The authority to terminate tenancy of residents is in accordance with the HUD model lease and the state/local Landlord/Tenant Act. Management will terminate a resident’s tenancy for the following reasons:

Material Noncompliance with the Lease
Management will terminate tenancy when a resident is in material noncompliance with the lease including:
• Failure of the resident to submit in time all required information on household income and composition;
• Extended absence or abandonment of the unit;
• Fraud, which is when a resident knowingly provides inaccurate or incomplete information;
• Repeated minor violations;
• Nonpayment of rent due under the lease, including any repayment of rents due if the tenant was charged a lesser rent than required by HUD’s rent formula due to underreporting or failure to report income.
**Repeated Minor Violations**
Management has the right to terminate tenancy for repeated minor violations that disrupt the livability of the property, adversely affect the health or safety of any person, adversely affect the right of any resident to the peaceful enjoyment of the property, interfere with the management of the property, or have an adverse financial effect on the property.

**Failure to Disclose and Provide Verification of SSNs**
Management is required to terminate tenancy of a resident and the resident’s household if the SSN disclosure and verification requirements for all household members are not met in the specified timeframe. This includes those households where a child under the age of six who did not have a SSN was added to the household with the understanding that the SSN would be disclosed and verification provided within 90 days after admission, or within the 90 day extension period, if applicable.

**State Sex Offender Registry**
Management is required to terminate the tenancy of a participant who is subject to a state sex offender registration requirement under a state sex offender registration program who was erroneously admitted (the household member was subject to a state sex offender registration requirement at admission and was admitted after June 25, 2001) and is receiving housing assistance. If management erroneously admitted a state sex offender registration, management must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, management must terminate assistance for the household.

**Drug Abuse and Other Criminal Activity**
- Management may terminate tenancy or assistance for any type of criminal activity or the owner determines any household member is illegally using a controlled substance, including marijuana.
- Management will evict a family if it is determined that a household member is illegally using a drug, or if the manager determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Management will terminate tenancy if it is determined that a household member’s abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Management will terminate tenancy during the term of the lease if a resident is fleeing to avoid prosecution.

**Material Failure to Carry Out Obligations under a State or Local Landlord and Resident Act**
- State and local laws impose obligations on a landlord and resident. These laws provide that violations of the resident’s obligations constitute grounds for eviction.

**Other Good Cause**
- Management will terminate tenancy “for other good cause”, which is defined by state and local laws.
- The improper conduct of a resident may be deemed “good cause”, provided the manager has given the resident prior written notice and stated the improper conduct of the resident would constitute a basis for termination of occupancy in the future.

**Termination of Tenancy by Resident**
In order to terminate tenancy, the resident must provide the manager with a written 30-day notice to vacate the unit, as required in the lease.
Addenda

The following Addendums are in effect for Samaritas Affordable Living of Rochester Hills if the corresponding box is checked by property management:

☐ The Home Visit (ADDENDUM)

- Applicants will be notified at least two days in advance of the scheduled home visit.
- Applicants who are sharing housing either with family members or friends must be advised that the property will inspect the common areas such as the living room, kitchen and bathroom of the unit, not just the applicant’s room(s). A family that is willing to live in unsanitary or infested conditions created by others may have standards that are too low for admission.
- It is necessary to do a home visit to an institution, because the applicant may be responsible for some aspect of the condition of the property, and staff must make a determination whether the applicant would need services that, if provided by property staff, would constitute an alteration in the fundamental nature of the property’s program.
- The purpose of the home visit is to determine whether the applicant is capable of caring for a unit in a way that will not create health or safety hazards or contribute to infestation, whether the applicant is likely to damage a unit, and whether the applicant is currently engaged in behavior or practices that would violate the property’s lease.
- Resident-caused health or safety hazards, housekeeping that contributes to infestation, or damage to the applicant’s current unit would be grounds for rejection.
- Permitting unauthorized occupants to share the unit, engaging in criminal activity or displaying some other situation that was inconsistent with the information presented on the application, could be grounds for rejection. The property must be able to document any cases where the home visit results in a rejection.

☐ Giving Preference to Local Residents (ADDENDUM)

The property has been given HUD’s approval to give preference to local residents of the community. HUD has found the property to be consistent with nondiscrimination and equal opportunity requirements and the goals of the AFHMP located at this property. The property will not require local residency as a prerequisite for admission.

☒ Smoking Policy (ADDENDUM)

Effective April 1, 2008, smoking shall be prohibited by all residents, staff, volunteers, guests, contractors, and vendors on all properties owned and/or operated by Samaritas. The objective is to enhance the living environments of our residents and improve our residents’ health and safety. Therefore, smoking is prohibited in all buildings, vestibules, stairways, elevators, public rooms, laundries, hallways, maintenance areas, etc., and around the complex including the exterior grounds and parking lots. Existing residents who are in place as of April 1, 2008, will be permitted to smoke only within their residential unit (including the attached patio/balcony of their unit) throughout their tenancy, although they must take appropriate measures to minimize second hand smoke within their unit. New residents leasing a unit as of April 1, 2008, and beyond, will not be allowed to smoke in their units or anywhere else in or around the property including a grandfathered smokers unit. It is the responsibility of the Resident to enforce this policy to their guest(s) while they are on the property.

☐ Charges for Facilities and Services (ADDENDUM)

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