

GOLDBERG B'NAI B'RITH TOWERS

TENANT SELECTION PLAN

Houston, Texas

Section 202 / 8 Program



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1. PROJECT DESCRIPTION & MISSION

B'nai B'rith Senior Citizens Housing Committee of Houston, Inc. is a Texas not-for-profit organization. It owns and operates **Goldberg B'nai B'rith Towers I & II (GBBT)**, an apartment housing facility consisting of a 300-unit apartment complex in Houston, Texas. The purpose of this equal opportunity housing facility is to provide housing for low income, very low income, and extremely low income elderly and disabled individuals and families through the **Department of Housing and Urban Development's Section 202 Direct Loan and New Construction Section 8 programs.**

2. GENERAL INFORMATION

- 1. FAIR HOUSING:** Residency at **GBBT** is open to all qualified eligible elderly and disabled individuals and families in accordance with the **Fair Housing Act** and **HUD** which prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. Residency is also in accordance with **Title VI of the Civil Rights Act of 1964** that prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from **HUD**. Furthermore, residency is open to all qualified eligible persons covered under HUD's Equal Access ruling, without regarding to a person's sexual orientation, gender identity, and marital status, and in accordance with any State recognized protected classes. Finally, **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from **HUD**. All interested persons, applicants, tenants and the general public will be given information on LEP (Limited English Proficiency) and asked if they need any translation assistance.
- 2. REASONABLE ACCOMMODATION:** In keeping with **Section 504 of the Rehabilitation Act of 1973**, **GBBT** will make "reasonable accommodations" including reasonable modifications for individuals whose disabilities so require, in accordance with **HUD** regulations and management policies. This includes the application process and residency period. For more information on reasonable accommodations please refer to management's **Section 504 Compliance Policy** (Appendix I) or the site's Section 504 Coordinator.
- 3. ACCESSIBLE UNITS:** Because some of the units at **GBBT** have been architecturally designed for accessibility (to various degrees), someone in the family must qualify as "needing" **the architecturally designed features to apply** for or receive a priority to live in these units. These units may have wider doorways, higher commode, extra grab bar(s) and may or may not have cabinets under sinks and kitchen work areas. An applicant requesting an accessible unit will be requested to verify his or her need with a medical practitioner or similar worker and will be in accordance with **HUD Handbook 4350.3**.
- 4. APPLICANT/TENANT RESPONSIBILITIES:** A person, in order to be a tenant at **GBBT**, must be capable of fulfilling all lease requirements. This means that all applicants must be able to meet all of his/her personal needs and be able to fulfill all lease obligations with or without assistance. **GBBT** does not provide, and does not have the authority to provide, any personal

services, medical care or supervisory services. **GBBT** does not provide any assistance with personal activities of daily living.

5. **ELIGIBILITY:** All potentially eligible, qualified applicants will be considered in accordance with the marketing procedures of **HUD**. All applicants must comply with any applicable admissions requirements in **HUD Handbooks**.
6. **INCOME LIMITS:** The local **HUD Section 8 Income Limits** apply to **GBBT** and thus applicants must meet specific income restrictions to be eligible for tenancy at **GBBT**. This facility will house extremely low, very low, and low income elderly and disabled individuals and families, per program requirements. **HUD** updates Income Limits on an annual basis.
7. **GBBT** reserves the right to alter **GBBT** Tenant Selection Plan at any time. In such an event, management will provide applicants and residents with appropriate notice.

3. PREFERENCES

PREFERENCES: **GBBT** has permanently suspended **Federal Preferences**, in accordance with **HUD** directives. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change management's right to adopt and enforce tenant screening criteria (please refer to **Extremely Low Income (ELI) Procedures** within this Plan for further information).

Please refer to **Appendix VI** regarding the property's **Homeless Preference**.

4. SMOKE-FREE FACILITY

SMOKE-FREE: **GBBT** is a smoke-free environment. The purpose of this rule is to protect the health and safety of our residents and property. It is a violation of the House Rules for any resident, guest, visitor, contractor and/or staff persons to smoke, carry, inhale or exhale lighted cigarettes, pipes, cigars or any other tobacco product anywhere inside the building, except in designated areas. The public designated areas are located outside the building at a distance of 25 feet from the facility. The area designated is at the front and rear of the building and there are signs posted. Violations of the smoke-free policy can result in eviction as a violation of the House Rules (which Rules are incorporated by reference in the Lease). A violation of the Lease agreement allows for immediate termination of the Lease by the Landlord.

5. ADMISSIONS

APPLICATION PROCESS: Applicants will be considered on a first-received, first-reviewed basis, based upon the date that the completed and signed application packet is received and date and time stamped by management of **GBBT**. Admission to **GBBT** is limited to those applicants whose income meets the

"Section 8" Income Limits for this area. **GBBT** can admit eligible persons who meet the extremely low, very low, and low levels. **HUD** publishes and releases income limits on an annual basis.

40% of the **Section 8** units that turnover in a year, and are rented to applicants on the Waiting List, must be made available to applicants who meet the "extremely low" income (30% of median) limits if it is necessary to deviate from and time to accomplish. This is accomplished by renting every other available unit to an extremely low applicant/family, beginning with an extremely low applicant/family each year (please refer to **ELI Procedures** within this Plan and also in **HUD Handbook 4350.3** for more information).

NOTE: HUD updates the income limits annually. A copy of the current income limits is posted in the office.

ELIGIBILITY: To live at **GBBT** a resident must be:

- An eligible elderly individual or family (See **Definitions**);
- An eligible disabled (handicapped) individual or family (See **Definitions**). This includes a **project eligible nonelderly disabled family**.

APARTMENT ASSIGNMENTS: **GBBT** will first assign apartments to in-place tenants who have a demonstrated need for a change in housing before offering units to an applicant on the Waiting List. This will be done in chronological order, based on the date of the tenant notification to the management of the new "Need." All current, in place tenants whose needs have changed will be housed and/or transferred before anyone on the Waiting List is housed.

INDEPENDENT STUDENTS: **HUD** published a final rule implementing a new law that restricts individuals who are seeking **Section 8** assistance and are enrolled at an institution of higher education, under the age of 24, not a veteran, unmarried, and do not have a dependent child from receiving **Section 8** assistance. Such individuals are ineligible unless the student is determined independent from his or her parents upon review and verification of such status or the student is determined independent from his or her parents upon review and the parents are eligible for **Section 8** assistance.

The financial assistance of the student in excess of tuition will be included in annual income when determining the student's eligibility for **Section 8** assistance, unless the student is over the age of 23 with dependent children and the determination of rent is made in accordance with the requirements of the **Section 8** program. The financial assistance of a student residing with his or her parents would continue to be excluded from annual income. Management will ensure at each annual recertification that an independent student remains eligible to continue to receive **Section 8** assistance.

During the application process, management will appropriately screen applicants and households for eligibility under this final rule. An applicant who is a student and who does not meet the income eligibility requirements or jointly, do not meet the income eligibility requirements for **Section 8** assistance are not eligible for **Section 8** assistance and will be prohibited from participating in the program. A student under the age of 24 who is not a veteran, unmarried, does not have a dependent

child and who is currently receiving **Section 8** assistance, if at recertification is determined to be ineligible, will have his/her assistance terminated.

Section 8 assistance shall be provided when a student is classified as Vulnerable Youth. A student meets HUD's definition of a vulnerable youth when:

- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older.
- The individual is, or was immediately prior to attaining the age of maturity, 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 during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or an unaccompanied, at risk of homelessness, and self-supporting by
 - a) A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
 - b) The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - c) The director of a program funded under subtitle B of the title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
 - d) A financial aid administrator, or
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

**Students with disabilities receiving Section 8 as of November 30, 2005 are exempt from the Independent Student restrictions on receiving Section 8 rental assistance.

6. PROCEDURES FOR APPLYING FOR HOUSING

1. **APPLICATION PROCEDURE:** Applications may be picked up at the Management Office located at the **GBBT Management Office located at 10909 Fondren Rd., Houston, Texas 77096-5512** between the hours of 9 AM and 4:30 PM, Monday through Friday. Applications can be downloaded from the web at www.gbbt.org or requested in writing at the above address or by telephoning (713) 771-2417 or the Texas state relay number, 711. Applications should be returned during business hours in person, via email, or via mail. Allowances will be made for persons with disabilities or who live out-of-state. Applications will be date and time stamped and applications will enter the Waiting List in the chronological order of receipt. All persons/families interested in applying for housing at **GBBT** must meet with the following requirements to be "considered for housing".

The Applicant(s) must:

- a) List all family members who will reside in the unit.

- b) Meet certain criminal report standards. A criminal/sex offender registration report will be run on the applicant(s) by the management or contracted criminal report companies. This criminal report will be run on all adult (18 years of age or older) household members applying to live at **GBBT** in accordance with **HUD Handbook 4350.3** (including all revisions). Applicant(s) must not have an eviction for drug related criminal activity, or display a pattern of abuse of alcohol that would interfere with the health, safety or right to a peaceful enjoyment of the premises by other residents, or are subject to a state lifetime sex offender registration program. No family member can have a conviction or adjudication other than acquittal for any sexual offense. **GBBT** will also use the Dru Sjodin National Sex Offender website at www.nsopw.gov to confirm that applicants and federal housing assistance recipients are not lifetime registered sex offenders. The check will be carried out with respect to Texas and with States where the applicant and members of the applicant's household are known to have resided as adults. *(Please refer to **Screening for Sex Offender Registration**)*
- c) Demonstrate ability to meet financial obligations in a satisfactory manner, and on time.
- d) List monthly obligations, including current utilities.
- e) Provide good/acceptable references from all landlords, both current and previous, listed on the application and in credit bureau files.
- f) Demonstrate that the applicant has the ability to fulfill all the lease requirements (with or without care assistance) where applicable.
- g) Maintain satisfactory housekeeping practices that will not jeopardize the health, security or welfare of other residents. This is determined through the landlord/rental verification.
- h) Not provide any reasonable cause to believe any member of the applicant household may interfere with the health, safety and right to peaceful enjoyment of the property or its residents.
- i) Not provide any reasonable cause to believe any member of the applicant household could threaten the health and safety of the residents, owner, employees, contractors, subcontractors, or agent of the owner.
- j) **Provide requested declaration of citizenship for each household member as well as social security numbers for every member of the family.**
- k) Have utilities placed in their name and agree to pay utilities and rent on time and in full.
- l) Agree to have their unit inspected at reasonable times and with reasonable notices.
- m) Agree that the unit will be the applicant's only residence.
- n) Agree that any adult who turns 18 will need to sign required forms within 30 days of turning 18.

2. **VERIFICATION:** All of the above information will be verified in accordance with **HUD Regulations and Requirements**, as stated in **HUD Handbook 4350.3** (including all revisions). Applicants will be required to sign appropriate forms authorizing management to verify any and all factors that affect the applicant's eligibility or the rent that the applicant will pay. **HUD** may release the information to other Federal, State and Local Agencies. If an applicant fails to supply all necessary verification forms, information, or meet the requests of the application process, or **GBBT** cannot obtain verification of specific required information due to illegible forms/application, the applicant will be rejected (please refer to **Rejection Procedures** for further information).

3. **APPLICANT ASSISTANCE:** In the event the applicant is personally unable to complete the form, the applicant must provide the information to someone assisting in completing the form. The person assisting the applicant must sign and date the application, indicating that it was completed at the direction of the named applicant. If the applicant is a person with disabilities, management must consider extenuating circumstances where this would be required as a matter of reasonable accommodation.
4. **BED BUGS: GBBT** recently adopted the policy of screening applicants for the presence of bed bugs prior to admittance to the property. If an applicant has had problems with these at their current residence, they **must** advise **GBBT** of this prior to being offered an apartment. Please answer the question on the application and provide us with necessary corrective documentation. **Please note: This will not prevent the applicant from getting an apartment, however, GBBT will not offer the applicant an apartment until they participate with any request on behalf of management to ensure all furniture has been properly treated to eliminate any presence of bedbugs. Refusal or failure to participate in treatment will result in the removal of applicant from the Waiting List. If an applicant has a problem and does not advise GBBT and brings the problem into the building, the new tenant may be in violation of their lease agreement/ attachments.** A resident's failure to report a problem will also be considered a violation of their lease agreement.

7. WAITING LIST

1. **WAITING LIST PLACEMENT:** Any applicant who appears to qualify after **GBBT** reviews the application, but before any information is formally verified, and for whom a unit is not currently available, will be placed on the Waiting List. All received applications are date and time stamped, entering the Waiting List in the chronological order of receipt. One Waiting List is maintained for all requests of in-house transfers and also the outside waiting list for applicants requesting apartments at **GBBT**, which includes identification of the need for units architecturally designed for accessibility. The applicant is informed of the approximate wait for a unit and/or placement position on the Waiting List. It is the applicant's responsibility to report changes on the application to **GBBT** in a timely fashion.
2. **ELIGIBILITY:** Applicants who are placed on the Waiting List are apparently eligible at the time of application, based on local applicable income limits as published annually in the Federal Register and information provided by the applicant. Verifications of income and other eligibility factors are only conducted at the time the applicant is called in for an interview and prior to move-in. Being placed on the waiting list does not guarantee that an applicant will be deemed qualified for an apartment, as that determination can only be made after all screening and verification has been completed.
3. **INCOMPLETE APPLICATION PACKETS:** Any applicant who fails to complete his or her application and packet forms in its entirety will result in the disqualification of the application. The application will not be processed.
4. **APPLICANT RESPONSIBILITIES FOR INFORMATION UPDATES:** Any applicant on the Waiting List is required to contact **GBBT** in writing every twelve (12) months if the applicant decides

to remain on the Waiting List. **NO PHONE CALLS.** Failure to do so will result in the removal of the application from the Waiting List. Contact may be initiated by **GBBT** in the form of a routine letter/postcard, sent to all applicants on the Waiting List, requesting (1) update information, (2) asking if they wish to remain on the Waiting List and (3) stating that if the letter is not responded to within fourteen (14) days, their name will be dropped from the Waiting List without further notice.

5. **WAITING LIST STATUS:** When the number of names/families on the Waiting List for any particular size exceeds the annual apartment turn over for that size unit, the Waiting List may be closed. Management will advise potential applicants of the closure of the Waiting List and refusal to take additional applications. A notice will be prominently posted in the Management/rental office or reception area and in a local newspaper, stating the reason the Waiting List is closed and the effective date of the closure. When the Waiting list is to be reopened, notice of this will be placed in the same local publication, as well as notifications sent to appropriate social service agencies stating when the Waiting List will be re-opened, as well as times and days that applications will be taken. This is done in accordance with the **Affirmative Fair Housing Marketing Plan (HUD Form 935.2a)**.
6. **ELIGIBILITY WHILE ON THE WAITING LIST:** Only eligible applications are allowed to remain on the Waiting List. If in the unfortunate event, the applying household head, co-head or spouse passes away during the time while waiting on the list, the remaining applying household member(s), if any, must meet the requirements of the program/property type to remain on the Waiting List. If the remaining member(s) is not eligible, the application will be removed from the Waiting List and not processed.
7. **DEFERRAL OF PROCESSING AN APPLICATION:** As an applicant's name approaches the top of the Waiting List, the applicant must proceed with the processing of the application within the required time frame. Any delay will result in the removal of their application from Waiting List. An applicant can only defer the processing of his/her application for up to six (6) months on the basis of a verifiable medical reason. The applicant must contact management in writing during those six months if the medical condition persists. Failure to do so will indicate that the applicant is no longer interested in housing at **GBBT** and will result in the removal of his/her name from the Waiting List without further notice.
8. **REFUSAL OF AN OFFERED APARTMENT:** If an applicant on the Waiting List is offered an apartment and refuses the offered apartment (first offer). In the event of a second refusal of an offered apartment, the application will be rejected and the applicant's name removed from the Waiting List. The applicant may reapply in the future.
9. **LEASE SIGNING & MOVE-IN:** When an applicant is offered an apartment, the applicant must sign the lease within five (5) business days and move into the apartment. If the applicant is receiving the same program subsidy, the applicant is given up to thirty (30) days to sign the lease and move into the apartment. If for any reason the applicant is unable to sign the lease and move into the apartment within the allowed time, the application will be dropped from the Waiting List. If the applicant does not move into the apartment after signing the lease, **GBBT** management will terminate the housing subsidy.

- 10. IN-PLACE TENANT HOUSING NEEDS:** When a unit becomes available, in-place tenants requiring a different apartment (see Transfer Policy) will be housed appropriately before we move in an applicant on the Waiting List. This allows management to treat current tenants having the greatest housing need prior to applicants on the Waiting List. In this manner, we are able to avoid displacing, through any action, current tenants whose housing needs have changed since admission. If a resident on the in-house Transfer Waiting List is offered an apartment and refuses the offered apartment (first offer), the resident may remain on the Transfer Waiting List at the original spot. In the event of a second refusal of an offered apartment, the resident will be removed from the Transfer Waiting List. The resident may request a transfer in the future.
- 11. HARDSHIPS:** Applicants who are experiencing hardships due to health, financial, or infestation reasons will not be moved from their original date on the Waiting List as long as proper documentation is received by management.
- 12. REMOVAL OF NAMES FROM THE WAITING LIST:** Applicant names will be removed from the Waiting List for any of the following reasons:
- a) The applicant no longer meets the eligibility requirements for the unit, property, or program;
 - b) The applicant fails to contact **GBBT** to indicate their interest in retaining his /her placement on the Waiting List;
 - c) The applicant fails to respond to a written notice within the required time frame;
 - d) The applicant does not comply to the verification process in a timely manner;
 - e) The applicant does not provide the required documentation in a timely manner;
 - f) The applicant fails to sign any and all documents in a timely way, up to and including the lease;
 - g) The applicant is offered an apartment and rejected two units;
 - h) The applicant seeks deferral in the processing of the application for any other reason other than a verifiable medical reason;
 - i) Mail sent to the applicant's address is returned as undeliverable, unclaimed or not forwarded;
 - j) The apartment that is needed – using family size as the basis - changes, and no appropriate size unit exists in the property;
 - k) The applicant requests removal from the Waiting List;
 - l) The applicant cancels their interest and decides not to proceed with the processing of the application.
 - m) Another reason found in the **Screening/Rejection Criteria** section.
- 13. REINSTATING:** If GBBT determines that an error was made in removing an applicant from the Waiting List, the applicant will be reinstated at their original spot on the Waiting List. Such errors may include: the applicant did not respond to information of updates because of a disability, or the applicant's initial rejection was overturned during the informal hearing process.

8. INTERVIEWS

1. **INITIAL ELIGIBILITY:** Upon receipt of the original application, the application is preliminarily reviewed. The initial review will be for application completeness, to make sure that the application is legible and to initially determine if the applicant appears to qualify for the **Section 8 Program**. This in no way means that an applicant qualifies, or is eligible. Eligibility can be confirmed only after all items which may have any bearing on the rent that the applicant may pay or subsidy he/she may receive are verified: income, assets, family composition, etc. The applicant must be determined eligible to be offered housing. Failure to meet for an interview or contact **GBBT** will cause the removal of the application from the Waiting List.
2. **A FORMAL INTERVIEW:** As an applicant's name approaches the top of the Waiting List, a formal interview will be scheduled. At the time the applicant is interviewed, all items on the application will be discussed and confirmed, and verification forms will be signed by the applicant authorizing management to verify all of these issues/items. Until all items are verified, eligibility cannot be determined, nor any housing offered. Management must make an attempt to verify all factors with "third party" written verification, as per **HUD Regulations and Procedures**.
3. **ALTERNATE VERIFICATION:** In the absence of being able to obtain a third party verification and no response being received, management will use "Review of Documents" to verify items/issues in accordance with the **HUD Handbook 4350.3** (including all revisions). (See **GBBT EIV Policies & Procedures**)

9. MINIMUM HARDSHIP POLICY

1. **WAITING LIST PLACEMENT:** All residents of **GBBT** are required to pay a minimum Total Tenant Payment (the resident's portion of rental payments) of \$25. This minimum rent includes the resident's contribution for rent and utilities.
2. In the event that a household or family is unable to pay due to a long-term financial hardship, management will waive the minimum rent policy. Examples of such long-term financial hardships include:
 - a. Situations where the family has lost federal, state, or local government assistance or is waiting for eligibility determination.
 - b. The family would be evicted if the minimum rent requirement was imposed.
 - c. The family income has decreased due to a change in circumstances, including but not limited to loss of employment.
 - d. A death in the family has occurred.
 - e. Other applicable situations have occurred, as determined by the Department of Housing & Urban Development (HUD).
3. Management will waive the minimum \$25 rent charge beginning the month immediately following the resident request and implement the Total Tenant Payment calculated at the

higher of 30% of adjusted monthly income or 10% of gross monthly income.

4. A resident must request such an exemption in writing and present this statement to **GBBT** management. Management 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. Management will present a final answer within seven (7) days of receipt of any necessary documentation.
5. If management determines there is no hardship as covered by the statute, management will immediately reinstate the minimum rent requirements. The resident and household is responsible for paying any minimum rent that was not paid from the date the rent was suspended. Management may not evict the resident for non-payment of rent during the time in which management was making the determination. Management will make an effort to reach a reasonable repayment agreement for any back payment of rent.
6. If management determines that the hardship is temporary, management will not impose the minimum rent requirement until 90 days after the date of suspension. At the end of the 90-day period, the resident is responsible for paying the minimum rent, retroactive to the initial date of suspension. Management will not evict the resident for nonpayment of rent during the time in which management was making the determination or during the 90-day suspension period. Again, management will make an attempt to reach a reasonable repayment schedule and agreement for any back payment of rent.
7. If the hardship is determined to be long term, management will exempt the resident from the minimum rent requirement from the date management granted the suspension. The suspension will continue until such time that the hardship no longer exists. However, management will recertify the household every 90 days while the suspension lasts to verify that circumstances have not changed.

10. EXTREMELY LOW INCOME (ELI) PROCEDURES

1. **INCOME TARGETING REQUIREMENTS:** If management determines that the **GBBT** Waiting List, maintained in standard chronological order, may not (or will not) achieve the admissions necessary to meet the HUD income-targeting requirements, then management must implement procedures that will ensure compliance.
2. **INCOME TARGETING REQUIREMENT PROCEDURE:** Management will implement the procedure of alternating between the first extremely low-income (ELI) applicant on the Waiting List and the applicant at the top of the Waiting List if necessary to obtain adequate low income families. To implement this method, management will select the first extremely low-income applicant on the Waiting List (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the Waiting List (regardless of income level) for the next available unit. As subsequent units become available, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the Waiting List so that the annual 40% target is always reached.

11. ENTERPRISE INCOME VERIFICATION SYSTEM (EIV)

1. **APPLICANTS:** HUD provides **GBBT** with information about an applicant's current status as a HUD housing assistance recipient. **GBBT** will use the Enterprise Income Verification System (EIV) Existing Tenant Search to determine if any applying household members are currently receiving HUD assistance elsewhere, this includes subsidy through the Multifamily Housing division or Public & Indian Housing (PIH). Management will use this report at the time they are processing an applicant for admission. Management will discuss with the applicant if the report identifies that the applicant or a member of the applicant's household is residing at another location, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location. Management will follow up with the respective Public Housing Authority (PHA) or owner to confirm the individual's program participation status before admission, if necessary, depending on the outcome of the discussion with the applicant. Furthermore, management will retain the search results with the application along with any documentation obtained as a result of contacts with the applicant and the PHA and/or owner at the other location.

If any applying household members fail to fully and accurately disclose rental history, the application may be denied based on misrepresentation of information.

2. **TENANTS:** **GBBT** uses the EIV system to verify employment and income information of tenants receiving HUD rental assistance. Tenants are required to give consent to **GBBT** for the release of information by signing the HUD forms 9887 and 9887A each year.

The Income Reports in **Enterprise Income Verification (EIV)** contain the social security numbers (SSNs), full dates of birth, first and last names, and physical address of tenant families. This is all sensitive information that **must not** be handled carelessly. Therefore, **GBBT** realizes that it must be careful not to share this information with anyone who is not authorized to have it.

Privacy Act of 1974 ...552a (a) Definitions for purposes of this section— (1) the term “agency” means agency as defined in section 552(f) of this title; (2) the term “individual” means citizen of the United States or an alien lawfully admitted for residence; (3) the term “maintain” includes maintain, collect, use or disseminate; (4) the term “record” means any item, collection or grouping of information.

EIV Data may only be disclosed to:

- Private Owners
- Management Agents
- Service Bureaus
- Contract Administrators
- HUD Staff
- HUD Office of Inspector General (OIG) for investigative purposes
- Individual to whom the record pertains

EIV Unauthorized Disclosure

- Must not disclose data in any way that would violate the privacy of the individuals
- **EIV Data** must not be disclosed (or re-disclosed) to any third parties

Sanctions

- Willful disclosure or inspection of **EIV Data** can result in civil and criminal penalties

Unauthorized disclosure – felony conviction and fine up to \$5000.00 or imprisonment up to five (5) years, as well as civil damages.

Unauthorized inspection – misdemeanor penalty of up to \$1000.00 and/or one (1) year imprisonment, as well as civil damages.

12. REJECTION PROCEDURES

- 1. MANAGEMENT REJECTION OF APPLICANT:** When management rejects an applicant, the *applicant will be notified of this decision in writing*. This written statement, which will be sent in a timely fashion, will include the reason(s) for the rejection, and will state that the applicant has the opportunity to request a meeting with management representatives to discuss the rejection. The applicant will be further instructed to request the meeting within fourteen (14) days of the date of the rejection letter.
- 2. REJECTION PROCEDURES:** If an applicant wants to appeal a ruling, they need to request a meeting either verbally or in writing to **GBBT** within fourteen (14) days of the date of the rejection notice. A staff member, who was not involved in the initial decision to deny admission or assistance to the applicant, will hold the requested meeting. Within five (5) business days of management's response or meeting, management must advise the applicant in writing of the final decision regarding eligibility. All of this material (original application, rejection letter, applicant's request for a meeting, summary of the meeting and the final decision) must be kept for three (3) years in confidential files. ****Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.**

13. SCREENING\REJECTION CRITERIA

All applicants 18 years of age or older in a household will be screened for rental history and criminal history, and general program eligibility prior to residency. This includes police officers or security personnel living on-site. The screening of live-in aides at initial occupancy, and the screening of persons or live-in aides to be added to the tenant household after initial occupancy involve similar screening activities. Both live-in aides and new additions to the tenant household will be screened for drug abuse and other criminal activity. An application may be rejected for any one of the following reasons:

- a) The applicant/family is not elderly;
- b) The applicant/family is not disabled;
- c) Submission of false, incomplete or inaccurate information on the application, or failure to cooperate in the verification process;

- d) The applicant has a history of unacceptable or unsatisfactory credit or criminal history as reported by a credit agency or other organization. This includes registration as a Sexual Offender. *(Please see **Credit & Criminal Screening Criteria** for more information);*
- e) Negative reference from current or previous landlord, including but not limited to late rent, non-sufficient funds (NSF) checks, lease violations, evictions, etc;
- f) The household (including a **Live-In Aide**) characteristics, including size, are not appropriate for a specific apartment. *(Please refer to **Apartment Size Standards & Guidelines**.);*
- g) Failure to sign designated or required forms;
- h) Failure to provide required documentation in a timely manner;
- i) The applicant cannot pay the appropriate security deposit at move-in;
- j) The applicant will be maintaining a separate 2nd residence and/or legal address;
- k) The applicant has been offered a housing apartment and has refused two units;
- l) The household includes family members who did not declare citizenship or non-citizenship status, or sign a statement electing not to contend noncitizen status.
- m) The applicant is not capable of fulfilling the lease agreement, with or without assistance;
- n) The applicant has a criminal history *(as defined in **Criminal or Drug-Related Activity**);*
- o) The applicant cannot show (by HUD formula) a need for the subsidy assistance, where applicable, or the household income exceeds the **HUD** limits;
- p) The applicant is unable to disclose and provide verification of SSNs for all household members, except those household members who do not contend eligible immigration status or tenants who were 62 years of age or older on January 31, 2010, whose initial determination of eligibility was began before January 31, 2010.
- q) The applicant has provided reasonable cause to believe a member of the applicant household may interfere with the health, safety and right to peaceful enjoyment of the property or its residents.
- r) The applicant has provided a reasonable cause to believe a member of the applicant household could threaten the health and safety of the residents, owner, employees, contractors, subcontractors, or agent of the owner.
- s) The applicant does not meet the screening standards that have been established by management.

14. CRIMINAL OR DRUG-RELATED ACTIVITY

Upon move-in, tenants sign leases requiring them to accept responsibility for the actions of individual household members, their guests, or other persons on the premises with their consent. No tenant, or member of the tenant's family or household, guest, or any other person visiting a tenant shall engage in criminal activity on or near the apartment complex. This criminal activity includes drug-related criminal activity, other criminal activity or drug and alcohol abuse that threatens the health and safety of the tenants and staff or hinders the peaceful enjoyment of the housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution and/or use of a controlled substance (as defined in **Section 102 of the Controlled Substance Act**).

- a) No tenant, or member of the tenant's household or family, or any guest or other person shall engage in any act intended to facilitate criminal activity, drug-related activity on or near the apartment complex;

- b) No tenant, or member of the tenant's household or family, or any guest or other person shall permit the dwelling unit to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, family or a guest;
- c) No tenant, or member of the tenant's household or family, or any guest or other person shall engage in the manufacture, sale or distribution of illegal drugs on or near the apartment complex or project site;
- d) No tenant, or member of the tenant's household or family, or any guest or other person shall engage in acts of violence, including, but not limited to, the unlawful discharge of firearms and/or weapons on or near the apartment complex.

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

Use of Medical Marijuana in Federally-Assisted Housing

Recently, a number of states have legalized the use of marijuana specifically for medicinal purposes. Some states have legalized the use of marijuana for recreational purposes. Regardless of the purpose of legalization under state law, the use of marijuana in any form, is illegal under the Controlled Substances Act (CSA) and therefore is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Based on federal law, new admissions of medical marijuana users are prohibited.

QHWRA requires that owner/agents establish lease standards that prohibit admission based on the illegal use of controlled substances including state legalized marijuana. State laws that legalize medical marijuana directly conflict with QHWRA and thus are subject to federal preemption.

Owners must deny admission to assisted housing for any household with a member determined to be illegally using a controlled substance (such as marijuana). Owners may not establish lease provisions or policies that affirmatively permit occupancy by any member of a household who uses marijuana. Owners must establish policies which allow the termination of tenancy of any household with a member who is illegally using marijuana or whose use interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. Owners have the discretion to evict or not evict current tenants for their use of marijuana.

15. RENTAL, CREDIT & CRIMINAL SCREENING CRITERIA

A. Rental Approval:

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

2. Any eviction within the past three (3) years is automatically grounds for denial. This includes any household members who have been evicted from Federally-assisted housing within the last three (3) years for drug-related criminal activity. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, management will review on a case-by-case basis.
3. Management may accept a rental history of no more than two (2) late payments of rent in a six (6) month period, with verification of all charges paid and no more than two (2) NSF checks in a one (1) year period. Anything beyond this specification can be grounds for denial.
4. Any evidence of illegal activity including drugs, gangs, weaponry, etc., will be grounds for denial.
5. Grossly unsanitary or hazardous housekeeping habits can be grounds for denial.
6. Any debt balance owing to a prior management company or property will need to be paid prior to move-in.
7. Lack of rental history is not grounds for denial.

B. Credit Approval:

1. Applicants with more than two (2) accounts in negative standing within the past two (2) years will be denied. Examples of negative standing are late payments, collections, bad credit status, etc.
2. Public records such as collections and judgments are included as negative accounts.
3. Each bankruptcy item or foreclosure proceeding within the past five (5) years is rated as the worst account and counted individually.
4. Federal and State Tax liens within the past three (3) years are counted as a negative account. Prior to the three (3) year period we may request proof of payment/release on any Lien over \$1000.00 that is still on the applicant's credit history.
5. Financial Aid or School Loans in negative standing are counted.
6. Any amount showing owed to a prior management company can be grounds for denial. We reserve the right to ask for proof of payment.
7. Any other item(s) that appear on the credit report, which would reflect negatively on the applicant, will be reviewed and a decision will be made based on the date, source, and amount of the action.
8. Lack of credit history is not grounds for denial.

C. Criminal Background Check:

1. Any conviction within the past ten (10) years including time served for illegal drug use, manufacture or distribution of a controlled illegal substance which would pose a direct threat to the health, safety, and well-being of the property, staff, and/or residents is grounds for denial.
2. Any conviction within the past ten (10) years including time served for any crime of violence, fraud, theft, or other crime which establishes that the applicant's tendency might constitute a direct threat to the health or safety of other individuals or result in the substantial physical damage to the property of others is grounds for denial.
3. Any conviction for any activity concerning sexual abuse or assault is grounds for denial. This includes, but is not limited to, any member of the household who is subject to a registration requirement under a nationwide sex offender registration program. *(Please refer to **Screening for Sex Offender Registration**)*
4. Any other felony conviction within the past ten (10) years including time served can be grounds for denial, and will be determined on a case-by-case basis based upon the severity of the crime and the impact it could have to the health, safety, and well-being of the property, staff, and/or residents.
5. Any household member who is currently engaging in illegal drug use is grounds for denial. This can include a pattern of illegal drug use that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
6. Any household member who has a pattern of alcohol abuse that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants is grounds for denial.

D. Screening for Sex Offender Registration:

1. Pursuant to 24 C.F.R. § 5.856 and § 5.905, **GBBT** must perform criminal background checks during the application stage to determine if an applicant, or a member of an applicant's household, is subject to a lifetime registration requirement under any State sex offender registration program. Criminal background checks must be performed in the state in which the housing is located and for states where the applicant and members of the applicant's household may have resided. As such, applicants for admission into the applicable HUD-assisted housing programs must provide a complete list of all states in which any household member has resided. Failure to accurately respond to any question during the application process is cause to deny the family admission.
2. If the processes described above reveal an applicant's household includes an individual subject to State lifetime sex offender registration, **GBBT** 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, **GBBT** must deny admission to the family.

3. If **GBBT** discovers that a household member was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001), **GBBT** must immediately pursue eviction or termination of assistance for the household member.

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

16. UNIT SIZE STANDARDS & GUIDELINES

1. OCCUPANCY STANDARDS

- a) Efficiencies are limited to one person households.
- b) Minimum of one person per bedroom; maximum of two persons per bedroom.
- c) Minimum of one person is allowed for a one-bedroom unit; maximum of two persons are allowed for a one-bedroom unit.
- d) Minimum of two persons are allowed for a two bedroom unit; maximum of three persons are allowed for a two bedroom unit.

2. WHEN ASSIGNING BEDROOMS:

- a) Every family member listed on 50059 or application is counted.
- b) An unborn child may be counted for occupancy but not eligibility determination.
- c) Live-in attendants and foster children are counted when determining bedroom size.
- d) Children who live in the unit 50% of the time may be counted.
- e) Children away at school, who live with the family when school recesses, may be counted. Management will not count children who are away at school and who have established residency at another address or location as evidenced by a lease agreement or other proof.
- f) Minimum of one person per bedroom, maximum of two persons per bedroom.

3. **APARTMENT CHANGE REQUEST:** A larger apartment than needed may be assigned to an eligible family if the family can certify with third party verification that there is a medical reason for the larger unit. This certification must include a specific explanation as to how the medical condition will improve by the assignment of a different apartment.

4. **FAMILY CHANGING NEEDS:** **GBBT** will accommodate the changing needs of the in-house tenants because of increases in the number of family members or changes in the family composition, before going to the Waiting List.

17. ACCESSIBLE UNITS

1. **ACCESSIBLE UNITS:** Because **thirty (30)** of the units at **GBBT** have been architecturally altered for accessibility for persons needing the architecturally altered features. This need must be verified with a medical practitioner.
2. In the unlikely event that no applicant or family can be found that requires that **GBBT** unit type, a non-disabled elderly applicant or family can be housed there, (temporarily) only after signing a statement, that will become a lease amendment, that states that they will move, within 30 days, when they are notified by management, in writing, that a non-handicapped unit is available.

18. TRANSFER POLICY

1. **IN-HOUSE TRANSFERS:** Management will approve in-house transfers, in the following situations:
 - a) A **verifiable medical reason** requiring a different apartment or accessible unit, including the need for a 24-hour live-in care attendant (this will be verified with a medical practitioner using the **GBBT** form).
 - b) A change in **household composition and/or size**.
 - c) Transfer from apartment **due to renovation** of previous apartment.
 - d) A **household** that is living in a Disability-impaired apartment and **does not require the features** of that apartment.
 - e) **VAWA** emergency transfer request. Please refer to the **VAWA Emergency Transfer Plan Policy** for more details.
2. **REASONABLE ACCOMMODATION:** Requests for transfers that are based on a need for a reasonable accommodation will be provided priority over other requests. Transfers will be provided to persons who have a **medical or other verified need**, because of a disability, in the chronological order of requests received. All other transfers will be provided after requests for reasonable accommodations and will occur in chronological order by the date the request was received.
3. **PROCEDURE:** Management will house persons from the in-house transfer waiting list first before offering the unit to someone on the outside waiting list. When management notifies the tenant that a unit is available that will fulfill their request, the resident will have 5 days to decide whether they will accept the unit. If a resident decides to accept the unit, they must be willing to move within 30 days of notification from **GBBT**. A resident will be offered up to two units before a transfer request will be removed from the in-house transfer Waiting List. A resident would then have to reapply.
4. **REJECTION:** If a resident's request for a transfer is rejected, the rejection will be made in writing stating the reasons why the transfer will not be allowed and the resident will have a chance to appeal the decision as per **GBBT' Rejection Procedures**.
5. **SECURITY DEPOSIT:** When a resident transfers to a new unit, **GBBT** will transfer the security deposit to the new unit. Any repairs or damages to the old unit will be billed to the tenant.

19. DEFINITIONS

1. ELDERLY FAMILY:

An Elderly Family includes but is not limited to:

- a) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
- b) 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;
- c) A single person who is 62 years of age or older; or
- d) 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.

2. DISABLED FAMILY:

A Disabled Family includes but is not limited to:

- a) Families of two or more persons the head of which (or his or her spouse) is a person with disabilities (handicapped);
- b) 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;
- c) A single person with disabilities (handicapped person) over the age of 18; or
- d) Two or more persons with disabilities (handicapped persons) living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

3. PERSON WITH DISABILITIES: Such a person has a disability, as defined under Section 8 statute:

- a) A person with a physical, mental or emotional impairment that:
 - 1) Is expected to be of long-continued and indefinite duration;
 - 2) Substantially impedes the person's ability to live independently; and
 - 3) Is such that the person's ability to live independently could be improved by more suitable housing conditions;
- b) A person with developmental disability as defined by the Social Security Administration.

4. NON-ELDERLY DISABLED (HANDICAPPED) FAMILY:

A non-elderly disabled family means a disabled family in which the head of the family (and spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.

5. PROJECT ELIGIBLE NON-ELDERLY DISABLED (HANDICAPPED) FAMILY:

A non-elderly disabled person or family who is only eligible for housing through this program could require the accessibility features of that apartment.

6. INDEPENDENT STUDENT ELIGIBILITY:

Determining the eligibility of students who are head or co-head of a household:

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

Independent Student

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

- a) Be at least 24 years old by December 31 of the award year for which aid is sought;
- b) Be an orphan or a ward of the court through the age of 18;
- c) Be a veteran of the U.S. Armed Forces;
- d) Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
- e) Be a graduate or professional student;
- f) Is not living with his or her parents who are receiving Section 8 assistance, or
- g) Be married.

No assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who:

- a) Is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));
- b) Is under 24 years of age;
- c) Is not a veteran;
- d) Is unmarried;
- e) Does not have a dependent child;
- f) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);
- g) Is not living with his/her parents who are receiving Section 8 assistance; and
- h) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005.

**Students with disabilities receiving Section 8 as of November 30, 2005 are exempt from the Independent Student restrictions on receiving Section 8 rental assistance.

For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

Please refer to Appendix A of FR-5036-N-02 for further definitions pertaining to Independent Students and applicable eligibility.

7. LIVE-IN CARE ATTENDANT (AIDE):

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

1. Is determined to be essential to the care and well-being of the persons;
2. Is not obligated for the support of the persons; and
3. Would not be living in the unit except to provide the necessary supportive services. [24 CFR 5.403]

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

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

To qualify as a **Live-In Aide**:

- (a) The Owner must verify the need for the **Live-In Aide**. Verification should state that the **Live-In Aide** is needed to provide the necessary supportive services essential to the care and well-being of the person and must be obtained from the person's physician, psychiatrist or other medical practitioner or health care provider. Management will approve a **Live-In Aide** if needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the disabled person.
- (b) 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 tenant and where the tenant 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. (See Chapter 5 and Exhibit 5-3 for more information on medical expenses.)
- (c) Qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant. The **Live-In Aide** will not qualify for continued occupancy as a remaining family member.

(d) Income of a **Live-In Aide** is excluded from annual income. (See Exhibit 5-1 of the **HUD Handbook 4350.3**.)

(e) Must meet the screening criteria discussed in Paragraph 4-7 B.5 of the **HUD Handbook 4350.3**.

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 well-being of the elderly parent(s). The adult child may be considered a live-in aide if all of the requirements in the opening paragraph listed above apply and there is a verified need for a live-in aide (see Paragraph 7-4.D of the **HUD Handbook 4350.3** for more discussion on adult children moving in after initial occupancy).

8. ANNUAL INCOME:

All amounts, monetary or not, which:

1. Go to, or on behalf of, the family head or spouse [or co-head] (even if temporarily absent) or to any other family member; or
2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date; and
3. Which are not specifically excluded [by regulation].

Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access. [24 CFR 5.609]

9. EXTREMELY LOW INCOME FAMILY:

A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes. [24 CFR 5.603]

10. VERY LOW INCOME FAMILY:

A very low-income family is a family whose annual income does not exceed 50 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. [24 CFR 5.603]

11. LOW INCOME FAMILY:

A low-income family is a family whose annual income does not exceed 80 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. [24 CFR 5.603]

20. PROOF OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS

All family members, regardless of age, are requested to declare their citizenship or immigration status. U.S. citizens are requested to sign a declaration of citizenship document at the time of application. For U.S. citizens or U.S. nationals, the evidence consists of a signed declaration of U.S. citizenship or U.S.

nationality. Management will obtain verification of the declaration by requesting presentation of a U.S. passport, U.S birth certificate, employment authorization card, or other appropriate documentation as provided by Section 214. For non-citizens under the age of 62, adequate evidence consists of a signed declaration of eligible immigration status, and one of the Section 214 eligible documents. For noncitizens under the age of 62, **GBBT** is required to verify with the **Department of Homeland Security (DHS)** the validity of documents provided by applicants. Applicants who hold a noncitizen visa are ineligible for assistance, as are any noncitizen family members living with the student.

Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors. Because of the prohibition against delaying assistance to obtain verification of citizenship/immigration status, owners are advised to implement procedures to verify eligible immigration status in advance of other verification efforts.

Assistance in subsidized housing is restricted to the following:

- | |
|---|
| <ul style="list-style-type: none">• U.S. citizens or nationals; and• Noncitizens who have eligible immigration status as determined by HUD. |
|---|

A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive either prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

Management may deny assistance to an applicant if the applicant submits evidence of citizenship and eligible immigration status in a timely basis, but DHS primary and secondary documentation does not verify eligible immigration status of a family member and the family does not pursue a DHS appeal or informal hearing rights, or the family pursues the DHS appeal but the final ruling is against the family member. Management will inform the applicant or family of this ruling and the family has 30 days from the date of management’s notification to request an appeal of the DHS results. The family must make the request in writing directly to DHS and must provide management with a copy of the written request and proof of mailing.

If the applicant cannot supply the documentation within the specified timeframe, management may grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. Although the extension period may not exceed 30 days, management may establish a shorter extension period based on the circumstances of the individual case.

Management must inform the applicant in writing if an extension request is granted or denied. If the request is granted, management will include the new deadline for submitting the documentation. If the request is denied, management will state the reasons for the denial in the written response.

Please see management and the **4350.3 HUD Handbook, Change 4, Chapter 3**, for deferral policies and prorated assistance.

21. PROOF OF SOCIAL SECURITY NUMBERS

All applicant and tenant household members must disclose and provide verification of the complete and accurate social security number (SSN) assigned to them except for those individuals who do not contend eligible immigration status or tenants who were age 62 or older as of January 31, 2010, and whose initial determination of eligibility was begin before January 31, 2010. Failure to disclose and provide documentation and verification of SSNs where necessary could result in an applicant not being admitted or a tenant household's tenancy being terminated.

For new additions to an existing tenant household, including a child or live-in aide, the participant must submit the new member's SSN at the time of the request for assistance or at the time of processing the interim recertification of family composition.

- (1) Age Six or Older - When a tenant requests to add a household member who is age six or older, the documentation of the SSN for the new household member must be provided to management at the time of the request or at the time the recertification that includes the new household member is processed. Management will not add the new household member until such time as the documentation is provided.
- (2) Child Under the Age of Six - When adding a new household member who is under the age of six to an existing household, the tenant must disclose and provide verification of the SSN of the individual to be added within 90 days of adding the new member to the household. An additional 90-day extension must be granted if delays are due to circumstances beyond the family's control.
- (3) A TRACS ID will be assigned to the child until the documentation of the SSN is required to be provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child's TRACS ID to the child's verified SSN.

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 screened, participate in the eligibility interview or be housed.

When an applicant has a SSN but does not have the required documentation, the applicant must submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided. Please note that until such time that the applicant and/or household can provide proof of SSN for all household members (unless an exception applies), the household is ineligible from receiving subsidy assistance.

If all non-exempt applicant household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the Waiting List. After 90 days, if the applicant is unable to disclose and/or verify the

SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the Waiting List.

Per the recent Streamlining Final Rule, 24 CFR 5.216 now permits management to accept applicant households that include an applicant family member who is under the age of 6, who does not yet have a SSN assigned to him/her, and was added to the household 6 months or less from the move-in date. As a result of this change, management must no longer deny occupancy to such applicant households.

When an applicant household with the above composition is housed from the waiting list, management will give the household 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An additional 90-day period must be granted by management if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the household.

Individuals who have applied for legalization under the Immigration and **Reform Control Act of 1986** will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to the **Department of Homeland Security (DHS)** until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the **DHS** indicating social security numbers have been assigned.

The SSN requirements do not apply to:

- (a) Individuals who do not contend eligible immigration status.
 - a. Mixed Families: For projects where the restriction on assistance to noncitizens applies and where individuals are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, management will have the tenant's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.
- (b) Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.

Please refer to **HUD Handbook 4350.3, Change 4, Chapter 3** and **HUD's Streamlining Rule** for further information regarding SSN requirements.

22. VICTIMS OF DOMESTIC VIOLENCE

The Violence Against Women Reauthorization Act of 2013 (VAWA) protections apply to families (adults and children) applying for or receiving rental assistance payments and/or support through a number of HUD programs. The law protects victims of domestic violence, dating violence, sexual assault, or stalking, as well as their affiliated family members generally, from being evicted or being denied housing assistance if the eviction or denial is based upon an incident of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of

the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking is not grounds for terminating the victim's tenancy. **GBBT** may bifurcate a lease in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit.

Applicants and residents may certify their status as victims of domestic violence by using the optional HUD Form-91066, Certification of Domestic Violence. Furthermore, management will have each household sign HUD Form-91067, VAWA Lease Addendum, at move-in and/or at recertification until directed otherwise by HUD. These forms are in addition to new forms HUD-5380, HUD-5381, HUD-5382, and HUD-5383.

Management will provide a copy of the VAWA Notice of Occupancy Rights (HUD-5380) and VAWA Certification (HUD-5382) to existing residents at the next certification, any time a new family moves-in, any time a household is rejected, any time a notice of termination (assistance or tenancy) is issued, and any time a notice of eviction is issued.

The 2013 Reauthorization of the VAWA Act requires **HUD** to adopt a model emergency transfer plan to be used by owners and managers. The model plan must allow a victim (tenant) to transfer to another available and safe home under one of the **HUD** programs and must have reasonable confidentiality measures. If the tenant is unable to establish eligibility, owner or manager must provide the tenant with a reasonable amount of time to find new housing or establish eligibility under a different housing program. The plan must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking, to transfer to another available and safe dwelling under a covered housing program and must incorporate reasonable confidentiality measures. The tenant can be granted a transfer only if the tenant requests one and either reasonably believes he or she is threatened with imminent harm from further violence if he or she remains in the unit or, if the tenant is a victim of assault, the assault occurred on the premises during the 90-day period before the transfer request. Transfers are subject to the availability of other assisted housing and to all other **HUD** requirements being met. Please refer to the **VAWA Emergency Transfer Plan Policy** for more details.

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

Dating Violence means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

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

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

Affiliated Family Member means, with respect to a person: (a) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law so that the abusive tenant can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Appendix I

GBBT

Section 504 Compliance Policy on Reasonable Accommodation

GBBT is an equal opportunity housing provider and does not discriminate against applicants, tenants or any other members of our disabled community.

It is **GBBT** policy to provide reasonable accommodations to residents whose disability requires a change or exception to our usual policies and/or procedures. Such accommodations are made to enable the tenant to fully use and enjoy their apartment and all public spaces of **GBBT**. This same policy applies to all tenants who request and document/certify the need for requested structural modifications.

The procedure for tenants to request a reasonable accommodation/modification is as follows:

1. The tenant submits a request to **GBBT** administration, stating the reasonable accommodation needed and being requested.
2. If the tenant's disability status and/or need for the requested accommodation is not readily apparent, the tenant will be requested to sign the appropriate third party verification forms that

management will mail to the verifier identified by the tenant as a third party professional who is knowledgeable about the tenant's disability related needs.

3. If verification occurs when the verification form is returned from the third party professional, management will notify the tenant in writing of the determination concerning the request.
4. The tenant may be asked to complete additional forms necessary to implement the accommodation. For example: if the tenant is requesting an assistance or service animal, he/she will need to sign the lease addendum form that describes the responsibilities of maintaining an animal on this property.
5. If the tenant requires the services of a live-in aide, both the tenant and the caregiver are required to sign a live-in aide agreement.
6. If the request for an accommodation is to be denied, a representative of management will meet with the tenant explaining the reason for the denial. Alternate means of meeting the tenant's needs will be explored.

A request for a reasonable accommodation and/or structural modification may be denied if the reasonable accommodation places an undue administrative and financial burden on **GBBT**.

Appendix II GBBT Presidential Disaster Declaration

A Presidential Declared Disaster (PDD) is defined as a "major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.). FEMA recommends that the President declare a major disaster or emergency and coordinates all relief efforts".

All HUD-related properties in a PDD area may not be impacted. The number of properties that require special disaster assistance due to a PDD will be in addition to normal servicing of the regular portfolio.

Appendix III Business Relationship

The relationship between a landlord and resident is a business relationship. A courteous and businesslike attitude is required from both parties. We reserve the right to refuse rental to anyone who is verbally abusive, swears, is disrespectful, makes threats, makes discriminatory comments, appears to have been drinking or taking drugs, is argumentative, or in general displays an attitude at the time of the unit showing and application process that causes management to believe we would not have a positive business relationship. If any applicant or any member of the applicant household/family demonstrates unprofessional behavior, such as yelling or using profanity in the presence of the

management team, the applicant will be denied. If the applicant or any member of the applicant's family exhibits threatening behavior, appears to be intoxicated or attempts to intimidate the staff, the applicant, the applicant's family and other members of the applicant's entourage will be required to leave the property and the applicant will be denied.

Appendix IV Abandonment of the Unit

Management will consider a unit abandoned if management has not received notification of any extended absence and management believes the unit has been unoccupied for thirty (30) or more consecutive days. At this time management will take appropriate action to recover possession of the abandoned unit, in accordance with state and local laws.

If management considers an apartment to be abandoned, management will enter the apartment to conduct an emergency inspection. Management subsequently will attempt to notify the resident in writing that it considers the apartment abandoned. The notice will be sent via certified mail to the apartment's site address.

If resident does not respond to management's written notice within fifteen (15) days of the date of the notice, management reserves the right to reclaim the apartment and pursue any appropriate legal action, including but not limited to instituting eviction proceedings.

Appendix V HUD's Equal Access Rule

Prohibition of inquiries on sexual orientation or gender identity. No owner or administrator of HUD-assisted or HUD-insured housing, approved lender in an FHA mortgage insurance program, nor any (or any other) recipient or sub-recipient of HUD funds may inquire about the sexual orientation or gender identity of an applicant for, or occupant of, HUD-assisted housing or housing whose financing is insured by HUD, whether renter- or owner-occupied, for the purpose of determining eligibility for the housing or otherwise making such housing available. This prohibition on inquiries regarding sexual orientation or gender identity does not prohibit any individual from voluntarily self-identifying sexual orientation or gender identity. This prohibition on inquiries does not prohibit lawful inquiries of an applicant or occupant's sex where the housing provided or to be provided is temporary, emergency shelter that involves the sharing of sleeping areas or bathrooms, or inquiries made for the purpose of determining the number of bedrooms to which a household may be entitled.

24 CFR 5.100:

Gender identity means actual or perceived gender-related characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

24 CFR 5.403: *Family* includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
- (2) 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.

Appendix VI Homeless Preference

GBBT is adding a preference for its **HUD**-assisted efficiency units pursuant to **HUD Notice 2013-21** to establish a preference for those who meet the **HEARTH Act** definition of homelessness and fall into the following categories:

] Homeless, as referred by Houston

Coalition The preference will include the following:

1. It will be effective **August 1, 2015** and/or when approved by **HUD**.
2. The current waiting list for the property will be maintained consistent with the **HUD Handbook 4350.3** guidelines and the property's **Affirmative Fair Housing Marketing Plan (AFHMP)**.
3. Current persons on the waitlist will be notified of the additional preference and how they may apply for the preference and will be granted a first right to an available unit under the preference should they meet the definition of —homeless. Proper notice to the waiting list will be done by mail **thirty (30)** days prior to adoption/implementation of the preference.
4. Upon unit turnover, vacancies will be offered to a homeless household that is referred to **GBBT** by **Houston Coalition**. The units will be filled by:
 - a. Alternating between an applicant or household who meets the homeless preference (and who is referred to **GBBT** by **Houston Coalition**) and project/property eligible households and applicants. This will be done by selecting applicants from the

existing waiting list before seeking additional eligible persons.

5. Referrals for available units will only be accepted from the **Houston Coalition** referral agency, pursuant to paragraph V (d) of **HUD Notice 2013-21**. All applicants must comply with current requirements for applicants at **GBBT**, including income, age, credit/criminal screening, and other general screening criteria. Applicants who are denied will be provided with the basis of the denial in writing and offered the opportunity to establish if they are eligible for a reasonable accommodation under the **Fair Housing Act**.
6. If after **three (3)** referrals from the **Houston Coalition** referral agency for an available turnover unit or after **five (5)** business days from the initial notification to the **Houston Coalition** referral agency that a unit was available, whichever occurs earlier, an appropriate candidate is not identified, then **GBBT** will revert back to its standing waiting list to fill the vacancy.
7. This preference can be amended as needed and/or removed with property notification of such to all affected parties, including written notification to **HUD**.