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Sterling Housing Authority

TENANT SELECTION PLAN

Effective October 1, 2016

Management Agent
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TENANT SELECTION PLAN FOR OCCUPANCY

Sterling Housing Authority, Tenant Selection Plan has been designed for developments finance by HUD or Administered by HUD designated Contract Administrator. The HAP Agreement was signed after October 1, 1981 ; i.e. , "Post '81 Universe". The policy set forth in this document is intended to serve as a tool to be used to assist the owner(s) and/or assign(s) in determining applicant eligibility, selection/non-selection for occupancy in Section 8. Sterling Housing Authority has 54 units in total, all are (1) bedroom units.

The property is limited to specific family types who are elderly and/or disabled. The owner may make vacant units in an elderly project generally available to otherwise eligible families if there are an insufficient number of families for whom elderly preference has been given to fill all vacant units with prior HUD approval.

Assistance in Sterling Housing Authority is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status. Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

The Development offers subsidized rents. This means the rent that a tenant pays is based upon the tenant's household income. Therefore, the rent paid by tenants may vary, among tenants as well as from time to time for an individual tenant. The rents attached to the Plan as Exhibit A reflect the market or contract rent for the development and not the typical tenant portion of the rent. (Subsidized rents are made available through participation in the Section 8 housing program.

Section 504 Equal Access Statement

For Mobility Impaired Persons:
This document is kept at 1200 N. 5th Street, Sterling, CO 80751 which is an accessible facility on an accessible route. This document may be examined Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m. You must telephone in to make arrangement to examine this document. Please call (970) 522-0869 or (970) 522-1999.

For Hearing Impaired Persons:
Sterling Housing Authority will provide assistance to hearing impaired persons in reviewing this document. Assistance may include provision of a qualified interpreter at a time convenient to both the managing agent and the individual with handicaps. Please call (970) 522-0869 to schedule an appointment.

For Vision Impaired Persons:
Sterling Housing Authority will provide a staff person to assist a vision-impaired person in reviewing this document. Assistance may include: describing the contents of the document, reading the document or section of the document or providing such other assistance, as may be needed to permit the contents of the document to be communicated to the person with vision impairments.

Assistance to insure equal access to this document will be available in alternate formats and provided in a confidential manner and setting. An individual with disabilities is responsible for providing his/her own transportation to and from the location where this document is kept by advocacy groups, social workers, family members or personal friends. The applicant should inform the managing agent if additional assistance is needed to complete forms or understanding program requirements, procedure, house rules, etc. Advocacy groups, social workers, family members or personal friends may provide assistance. If an individual with disabilities is involved, all hearings or meeting required by this document will be conducted at an accessible location with appropriate assistance provided.

Fair Housing and Equal Opportunity Requirements
STATEMENTS OF NON-DISCRIMINATION

It is the policy of Sterling Housing Authority to comply fully with Title VI of the Civil Rights Act of 1964, The Federal Fair Housing Act, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, and any state legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

Under Federal Law it is illegal to discriminate against any person or group of persons because of race, color, religion, sex, disability, familial status or national origin.

In compliance with the Fair Housing Act, Sterling Housing Authority prohibits discrimination because of race, color, creed, religion, national origin, six, age, disability, and marital status, status with regard to public assistance, sexual orientation, or familial status. In addition, owners must comply with the local fair housing and civil rights laws

Sterling Housing Authority shall not:

*Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;

*Provide housing which is different than that provided others;

*Subject a person to segregation or unequal or different 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 which is an integral part of the housing program.

Sterling Housing Authority shall not automatically deny admission to a particular group or category of otherwise eligible applicants; i.e., (single head of households with children, elderly pet owners, or a family whose head or spouse is a student). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Sterling Housing Authority will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, Sterling Housing Authority will make physical or procedural changes to permit individuals with disabilities to have full advantage of the housing program. Such accommodations may include changes in the method of administering policies, procedures, or services.

In addition, Sterling Housing Authority may perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

In reaching a reasonable accommodation with, or performing structural modifications for, otherwise qualified individuals with handicaps, Sterling Housing Authority are not required to:

*Make structural alterations that require the removal or altering of a load-bearing structural member;

*Provide an elevator in any multi-family housing development solely for the purpose of locating accessible units above or below the grade level;

*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 Sterling Housing Authority.

Protections Provided Based on Sexual Orientation, Gender Identity or Marital Status
Sterling Housing Authority complies with the Final Rule – Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity was published in 2012. The owner/agent will comply with the requirements established in the Final Rule which ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status.

<u>"Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity or Marital Status"</u> is a final rule published by the U.S. Department of Housing and Urban Development (HUD) on February 3, 2012 that prohibits housing discrimination against lesbian, gay, bi-sexual or transgendered (LGBT) individuals in all HUD subsidized, insured and financing programs. This rule took effect on March 5, 2012.

From an assisted housing perspective, the final rule requires owners and operators of HUD-assisted or HUD-insured housing to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling; clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or gender identity, will have the opportunity to participate in HUD programs.

The rule also prohibits owners and operators of HUD-assisted housing or housing insured by HUD from asking about an applicants or occupant's sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available.

Reasonable Accommodations
It is the intention of Sterling Housing Authority to make "reasonable accommodations" both in the application process and residency in accordance with HUD Handbook 4350.3 and especially with regards to Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes. This also includes taking reasonable steps to ensure meaningful access to information and services we provide for persons with LEP (Limited English Proficiency).

Applicants who Require Reasonable Accommodations, Including Live-In Aides:
A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. For reasonable accommodations to apply there are several requirements. First, the applicant must have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by HUD as applicable to the property's program type. Next, the disability must have a direct correlation to the accommodation being requested by the applicant. The applicant must request a reasonable accommodation and provide verification of his/her disability and his/her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the property.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program. If an applicant makes a request, management will provide a reasonable accommodation if the applicant has a verifiable disability that is directly related to the request and providing the reasonable accommodation will not result in a financial or administration burden to management or to the owner.

Reasonable accommodations may include changes in the method of administering policies, procedure, or services. In providing reasonable accommodations for, or performing structural modifications for otherwise qualified individuals with disabilities, the property are not required to:

1. Make structural alterations that require the removal or altering of a load-bearing structure,
2. Provide support services that are not already part of its housing programs,
3. Take any action that would result in a fundamental alteration in the nature of the program or service, or
4. 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).

Assistance Animals and Pets

A common household pet means a small, domesticated four-legged animal, such as a cat, dog, or rodent. Only one pet per household is permitted. In the case of all cats or female dogs, only those that have been neutered will be allowed as pets. Dogs over 20 pounds are not permitted; except in the case of Service/Assistance animals in which case the weight limit is waived. Service/Assistance Animals are permitted as a reasonable accommodation for persons with verified disabilities, one the need has been properly verified by a physician, psychiatrist, social worker, or other licensed medical professional. There must be a direct relationship between the person's disability and his or her need for the animal. Neither a security deposit not a pet fee is required for an assistance animal. All state and local health, safety and licensing laws apply.

Refer to the Pet Rules/Policy for tenant pet care responsibilities.

Management reserves the right to deny a specific assistance animal if:

1. There is documented proof, based on prior behavior of the animal, that it poses a direct threat to the health and safety of others that cannot be reduced or eliminated by reasonable accommodation, or
2. There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of others, or
3. It can be specifically document that the presence of the assistance animal would pose an undue financial and administrative burden to the provider; or
4. Documented evidence shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.

Remaining Family Members
Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination must be made as to whether the remaining member of the household will be eligible to receive assistance and/or be allowed to remain in the unit. Eligibility for remaining family members at Sterling Housing Authority will be determined by current and applicable rules as defined in the HUD Occupancy Handbook 4350.3.

Limited English Proficiency (LEP) Services
The Agent shall determine, as part of its obligation to take reasonable steps to ensure meaningful access to the Development and its programs by persons with Limited English Proficiency (LEP), those Oral Language Services (i.e. Interpretation) and Written Language Services (i.e. Translation) that may be required in connection with the implementation of this Plan.

Privacy Policy
It is the policy of Sterling Housing Authority to protect the privacy of individuals covered by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' verification records maintained by the property.

This information may be released to appropriate federal, state and local agencies, when relevant, and to civil, criminal or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released unless the individual gives written authorization to do so.

This privacy policy in no way limits Sterling Housing Authority ability to collect such information as it may need to determine eligibility, compute rent or determine an applicant's suitability for tenancy.

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

General Eligibility Criteria
Too Apply for Section 8 assistance, applicants must be qualified under the income limits established by the U. S. Department of Housing and Urban Development (HUD), for the type of development, and for the size and type of unit available. Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the tenant selection criteria. The tenant selection criteria are used to demonstrate the applicant's suitability as a tenant using verified information on past behavior to document the applicant's ability, either alone or with assistance, to comply with the rules governing tenancy. The applicant will be judged on current and past behavior and practices related to tenancy and not on any attribute or behavior that may be imputed to a particular group or category of persons of which an applicant may be a member. Applicants must also qualify in accordance with one or more of the following criteria:

Eligible Applicants

Disabled
A disabled household includes a person who is under a disability as defined in Section 223 of the Social Security Act, or in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(7)]. Section 223 of the Social Security Act (42 U.S.C. 423) defines disability as:

*inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death of which has lasted or can be expected to last for a continuous period of not less than 12 months; or

*in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness as defined in Section 416 (l)(l) of the Social Security Act) and is unable by reason of such blindness to engage in substantial gainful activity in which s/he has previously engage with some regularity and over a substantial period of time.

Ineligible Applicants
An applicant is considered ineligible if:

*The household members, regardless of age, fail to submit evidence of citizenship or eligible immigration status.
*The household's annual gross income is greater than the applicable income limit established by HUD;
*The amount the household would be required to pay using the applicable HUD rent formula equals or exceeds the gross rent for the unit.
*Management determines that the applicant and/or household member(s) do not meet the tenant selection criteria or the criteria under which the property was developed.

General Occupancy Standards
The development is designated for housing as follows:

1 bedroom units = 1 – 2 persons

Units with Special Features

1 bedroom units = 1 – 2 persons

The owner is required to establish reasonable occupancy standards that will:

*assist as many people as possible, without overcrowding, and;
*minimize vacancies.

Owners must comply with all reasonable state and local health and safety restrictions regarding the maximum number of persons permitted to occupy a unit. In the absence of such restrictions, overcrowding is deemed to occur when the total number of persons in the unit exceeds two persons per habitable sleeping room. Additional persons may be allowed when a habitable seeping room provides at least 50 square feet per person. A habitable sleeping room is any room except the following:

*Kitchen,
*Bathroom,
*Hallway; or
*Dining room.

No more than two persons may occupy a bedroom provided there is sufficient square footage in the bedroom to meet local standards.

Unit Transfer Policy
Management will allow in-house transfers in the following situations:

Resident has a medical reason, certified by a doctor, for a different unit, or a resident becomes disabled and needs an accessible unit.

*Resident must transfer from unit due to renovation of previous unit.

*Residents meeting the above criteria are given preference on the waiting list.

If a resident household is being moved to a different unit as a reasonable accommodation to a household member's disability, then the Owner must pay for the move unless doing so would constitute an undue financial and administrative burden.

If tenant is in "good standing" with the Housing Authority, tenant may request transfer after 3 years of continued tenancy with a Doctor's note and adequate rationale supporting such transfer. Residents requesting transfers for other than the above sated reason will be placed on the applicant Waiting List in order of date the request was received.

A resident is limited to one transfer of apartments during residency at Sterling Housing Authority.

Residents in other buildings owned by us are welcome to apply for units at Sterling Housing Authority, but they must complete an application, be placed on the applicant Waiting List, and go through the same application, verification and eligibility determination process as any other applicant.

If a handicap accessible unit is rented to a tenant who does not have need of this feature, or if a household no longer benefits from the features of a handicap accessible unit, the tenant may be required to move to a regular unit upon 30 days written notice from Management.

If a tenant who requires the features of a handicap accessible unit chooses to move from such a unit to one that is not accessible, he/she will do so at his/her own expense and he/she will bear the burden of making any necessary accommodations in the new unit.

In all cases of a unit transfer, for any reason whatsoever, the rent damages, and all related charges will first be settled on the original apartment and the balance of the security deposit will be applied to the new unit or refunded to the tenant, as appropriate.

No unit transfer will take place until these charges are paid. Unless transferring at the request of Management, the tenant will be required to pay the appropriate security deposit on the new apartment based on the Unit Transfer 50059-A.

Eligibility Criteria
HUD's occupancy requirements and procedures ensure that eligible applicants are selected for occupancy that tenants receive the proper level of assistance and that tenants are treated fairly and consistently. Applicants and tenants must meet the following requirement to be eligible for housing assistance at Sterling Housing Authority:

*The family must report the annual income of family members, including assets, as required under program rules.

*The family's annual income must not exceed program income limits.

*All information reported by the family is subject to verification.

*Applicants must disclose social security numbers for all family members and provide proof of the numbers reported

*All adults in each applicant family must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter.

*An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

*The unit for which the family is applying must be the family's only residence.

HUD program requirements specify the income limits used by each program.

Income Limits

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. Income limits are based on family size and the annual income the family receives. These limits are available for review at the site or management office. Sterling Housing Authority will determine income eligibility prior to approving any applicant for tenancy. Once the applicant moves into Sterling Housing Authority, 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. Applicants must have an income that not greater than the maximum income limits established by HUD, and as published annually in the Federal Register.

Income Eligibility Requirements

HUD establishes and publishes income limits annually based on family size for each county in the United States based on the median income of the geographic area. Income limits for this property are listed below:

Low-income limit	80% of median income
Very low-income limit	50% of median income
Extremely low-income limit	30% of median income

Owners must make at least 40 percent of the assisted units that become available each year (project's fiscal year) available for leasing to families whose income do not exceed 30 percent of the area median income (extremely low-income) at the time of admission. If the owner actively marketed at least 40 percent of the annually available units to extremely low-income families bus was unable to fill all of the units with families meeting the requirement, the owner is permitted to rent to other eligible families after a reasonable marketing period has expired.

Qualifying for Admission
It is Sterling Housing Authority policy to accept and process application in accordance with applicable HUD regulations and recommended procedures under Section 8 where an applicant or tenant qualifies as a person who is income eligible and meets the program eligibility requirements as defined by the HUD Handbook.

Procedures for Accepting Applications

Anyone who wishes to secure housing must fully complete the Application. Application may be requested in person, mail, fax or phone.

Applications for housing are accepted weekdays between the hours of 8:30 a.m. and 4:30 p.m.

All applications for housing will be date and time marked when they are deemed received.

The Application shall provide enough information for management to:
*Make an initial determination of the income eligibility of the household;
*The size of the unit desired or needed and sufficient information to screen Applicant's prior landlord history.
*The Applicant will be required to give consent to management's requirement to secure a credit and criminal background history and must provide sufficient information to enable management to secure such reports.

Every application must be completed in its entirety, with or without assistance, and signed and dated by the head of the household and co-head(s), and all household members 18 years and older, if applicable. All members of the household shall be listed on the application form. Staff will assist any applicant 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 housing. The application will be completed to the extent that all factors of eligibility are included and a determination can be made by the Executive Director and/or Leasing Manager on the apparent eligibility status of an applicant. Applications that are incomplete and/or have not been signed and dated as required will not be processed.

Whenever possible, communications with applicants will be by first class mail. Failure to respond to letters may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control; i.e., medical emergencies or extreme weather conditions. If failure to respond is due to disability, management will make reasonable accommodation.

No decisions to accept or reject applicants shall be made until all verifications prompted by the application form have been received. The following items will be verified by the Executive Director and/or the Leasing Manager to determine eligibility and suitability for admission to the development:

*Eligibility Information

*Annual Income

*Assets and Asset Income

*Housing Preferences, if applicable

*Allowance Information

*Social Security Number for all persons in the household

Information used in Tenant Screening

*Citizenship/legal non-citizenship status

The Executive Director will be the final judge of what constitutes adequate and credible documentation. If there is any doubt about the truthfulness or reliability of information received, alternative methods will be pursued and the Executive Director is satisfied that the documentation obtained is the best available.

Preference Categories for Admission
Sterling Housing Authority only provides housing to applicants who meet the Tenant Selection Standards for being accepted as a resident.

Establishing Preferences
Preferences are not permitted if they in any way negate affirmative marketing efforts or fair housing obligations.

Administration of the Waiting List
It is the policy of Sterling Housing Authority to administer its Waiting List as required by HUD handbooks and regulations. Accepting an applicant from a lower waiting list position before one in a higher position violates policy and may be regarded as being discriminatory.

If no suitable unit is available the owner will place an apparently eligible applicant on an Agency prescribed or approved waiting list. The waiting list shall be maintained by unit size and housing preference claim. Each apparently eligible applicant will be assigned his/her appropriate place on the waiting list based on the **date and time** the application is received for suitable type and/or size of unit and in conjunction with factors affecting preference of priority as established in the development's Tenant Selection Plan.

Opening and Closing Waiting Lists

In order to maintain a balanced application pool, Sterling Housing Authority may, at its discretion, restrict application taking, suspend application taking and close waiting lists in whole or in part. Sterling Housing Authority will also update the waiting list by removing the names of those who are no longer interested or no longer qualify for housing.

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a Federal preference and the ability of Sterling Housing Authority to house an applicant in an appropriate unit within a reasonable period of time.

Generally, if the length of the waiting list is such that an applicant would not likely to be admitted for the next 12 months sterling Housing Authority may advise the applicant that no additional applications are being accepted for that reason.

Closing the waiting list, restricting intake or opening the waiting list will be publicly announced in the same or similar manner in which Sterling Housing Authority advertises for rental. During the period when the waiting list is close Sterling Housing Authority will not maintain a list of individual who wish to be notified when the waiting list is reopened.

Removal of Applicants from the Waiting List

Sterling Housing Authority 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 Sterling Housing Authority of his/her continued interest in housing by a particular time and failed to do so; or

*Sterling Housing Authority made a reasonable effort to contact the applicant to determine if there is continued interest in housing but has been unsuccessful;

*Sterling Housing Authority has notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.

Preventing delays in re-renting units maximized the housing assistance available and reduces occurrences of vandalism to the unit. Staff should be aware of the average turnover rate at the development. Suitable vacancies shall be offered to applicants first in sequence on the waiting list. Applicants should be notified as far in advance as possible that they could expect to receive an offer of a unit.

As soon as a notice to vacate is received, staff will immediately contact the first applicant on the waiting list. The initial contact will be by telephone or mail as soon as practical. If the applicant cannot be contacted within five days, the offer will be canceled and the unit will be offered to the next applicant on the waiting list.

Should the applicant reject the offer, the applicant shall be given a second offer of a suitable vacancy as soon as one becomes available. Should the applicant reject the second offer, the applicant shall be moved to the bottom of the eligible applicant waiting list unless the applicant can verify that a hardship exists or that there are mitigating circumstances.

Note: Applicants who can show a good reason for failing to contact Sterling Housing Authority within a reasonable time beyond the time originally given will be allowed to retain their position on the waiting list; i.e., applicant requests the housing provider contact and advocate, being contacted by telephone rather than mail, etc.

An applicant shall be offered no more than two suitable vacancies before being placed at the bottom of the eligible waiting list. The reasonableness of the rejection will be determined by the owner and will so be documented with the applicant's application for housing. For handicapped/disabled applicants, reasonable accommodation needs shall be reviewed and made available to the fullest extent allowed. In addition, those applicants who have been placed at the bottom of the waiting list will have the effective date of their application changed to the date of the second rejection.

Note: Applicants who can show that the unit was rejected for reasons that were related to a disability, and not the fault of the applicant, shall remain the waiting list and their application will retain its original date.

Updating the Waiting List

The owner shall update the waiting list at least annually to determine if applicants are still interested and eligible to remain on the waiting list. The owner shall, at the time of each annual update, obtain current applicant information of at least the following:

*household characteristics; i.e. number of family members and composition;
*income and assets; and,
*housing preferences, if applicable.

The updated information shall be obtained from the applicant in writing and certified by the tenant's dated signature that the information provided is true and correct. The owner will notify each applicant by mail requesting the above information and confirmation of its interest in remaining on the waiting list. The owner must specify a reasonable time frame in which the applicant is to respond; i.e., 15 days. If the applicant replies affirmatively, its application will retain its position on the waiting list. If the reply is negative, the applicant's name will be removed from the waiting list. If no reply is received within the specified time frame, a final letter will be sent to the last known address stating that the applicant's name is being removed from the waiting list on a specific date; i.e., 5 days from the date of the letter.

Screening Criteria
Sterling Housing Authority will not employ criteria that are unrelated to an applicant's ability to meet essential lease requirements. It is unlawful to make an inquiry to determine whether an applicant, a person intending to reside in the unit after it is rented or made available, or any persons associated with that person, has a handicap, or to make inquiry as to the nature or severity of a handicap of such a person.

Upon receipt of a completed application the applicant shall be screened considering factors that include, but are not limited to, the following:

*Demonstrated ability to pay rent and utilities on time;

*Credit references. Credit check may be useful when no rent payment history is available. However, lack of a credit history, as opposed to a poor credit history, is not sufficient justification to reject an applicant;

*Drug related or criminal activity. Inquiries may be made of each applicant 18 years of age and older to determine if there has been an arrest/convictions involving the illegal manufacture or distribution of a controlled substance and/or other arrest/convictions involving the illegal use of a controlled substance by consulting a third party;

*Criminal history record. Inquires may be made of each applicant 18 years and older to determine if they are subject to a State sex offender lifetime registration requirement.

*Applicant's ability to comply with the terms of the lease.

*Housekeeping habits. Housekeeping criteria are not intended to exclude households whose housekeeping is only superficially unclean or disorderly if such conditions would not appear to affect their or others health, safety and/or welfare.

*Consideration of Extenuating/Mitigating Circumstances in the Screening Process. Owners may consider extenuating/mitigating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant;

The following factors will not be used when screening an applicant:

*Physical examinations: Owners may not require physical examinations or medical testing as a condition of admission. Owners may uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy but may not impose greater burdens on individuals with handicaps;

*Meals and Other Services: Owners must not require tenants to participate in a meals program or establish other mandatory charges for services without the prior consent of HUD;

*Donations or contributions: Owners must not require a donation, contribution, or membership fee as a condition of admission. Owners may not require any payment not provided in the lease; or

*Pets for Elderly/Handicapped Units/Developments: Applicants shall not be rejected solely because the applicant has a pet.

The owner must either:

*Accept the applicant;

AND,

a. Provide housing;

b. Place the applicant on the waiting list if a unit of suitable size is not available;

OR,

*Reject the applicant.

If the owner determines the family is eligible and is otherwise acceptable, and a unit is available, the owner will assign the family a unit of appropriate size in accordance with the General Occupancy Standards.

Ensuring That Screening is Performed Consistently
The managing agent shall apply the criteria consistently to all applicants. To ensure that all applicants are treated consistently during the screening process:

Only the Leasing Manager and/or the Executive Director shall conduct screening to reduce inconsistencies.

Standard forms designed to meet HUD screening criteria shall be used to screen all applicants.

Use objective criteria: For example, when interviewing an applicant's former landlord about rent payment and rental history, the Managing agent shall ask fact-based questions. Avoid subjective questions that ask for opinions or do not directly relate to the tenant's ability to meet the requirements of the lease.

*Follow a formal, written process for collecting information. Do not take into consideration informal or "gossip" about and applicant. Such information may be discriminatory and will affect applicants inconsistently since the Owner does not collect it for all applicants.

The **Managing Agent** shall use the following guidelines and/or consider the following factors in screening Applicants for occupancy:

Screen for Credit History
Examining an applicant's credit history is one of the most common screening activities. The purpose of reviewing an applicant's credit history is to determine how well applicants meet their financial obligations. A credit check can help demonstrate whether an applicant has the ability to pay rent on time. The Property management shall use two primary sources to determine rental and credit history:
The Property Management shall rely more on former landlords than current landlord. Former landlords do not have a reason to provide misleading information, and therefore may provide accurate references. A positive landlord reference would include:
*Rent was paid and in a timely manner;
*Applicant must show compliance with facility and lease policies;
*In the event that a landlord reference is unavailable or if and Applicant is presently residing with family members the Landlord Verification Form may be waived. However, the Property management shall require two (2) personal reference letters and be consistent with applying this procedure for all applicants that currently reside with family members.

The owner/agent reviews each adult applicant's credit history. Applicants will not be rejected for not having a credit history or having a poor credit history alone. However, an applicant will be rejected if a credit report reveals that the applicant owes a prior landlord rent. Owing a prior landlord rent also includes outstanding balances on subsidy payback agreements.

Credit history will be reviewed to determine if there is any debt owed to a prior landlord. Applicants owing prior landlords will be rejected unless:

*Such debt has been paid or
*Applicant enters in to a repayment agreement and can demonstrate current payment history of on-time payments for at least the last six months.

Other credit history will be reviewed; the following discoveries will be reason for rejection:

*Default on any federal or state funded loan including student loans
*Failure to pay child support within the last 12 months

If no credit history is available, the owner/agent will accept a single reference from a person who is not related to the applicant who is a licensed business owner, accredited professional or an employee of an accredit education facility. No additional inquiry will be made.

Secure Screening for Credit and Criminal Background Checks
Management will order credit and criminal background reports for each Applicant. These companies charge a fee for this service but not pass the fee/charge to the applicant. Management will review the report to determine the applicant's history of meeting financial obligations including payments for rent, utilities, loans, revolving credit cards and other obligations.

Verification Requirements
The property shall obtain verifications in compliance with the requirements set forth in the HUD Handbook 4350.3. No decision to accept or reject an application shall be made until verifications keyed by the application form have been collected and any necessary follow-up interviews have occurred.

The following information must be verified by staff or responsible third party documentation:

Eligibility Information
- *Income, assets and asset income
- *62 years of age or older (Tenant or Co-Tenant)
- *Household composition
- *Social Security Numbers of household members
- *Signing of the Form HUD-9887 and HUD 9887-A

Allowances, such as
- *Age, disability or handicap of household members
- *Full time student status
- *Child care costs
- *Disability expenses
- *Medical costs for elderly/handicap households

Priorities, such as
- *Person who require the features of handicapped/disabled unit.

Compliance with current or prior landlords, such as
- *Positive prior landlord reference, paying rent in a timely manner
- *Complying with the House Rules and Regulations

Credit checks will be processed through credit agencies specializing in background checks. Only verified information that is less than 180 days old may be used for verification or recertification.

Forms of Verification-Documentation required, as part of the verification process, may include:
- *Checklists completed as part of the interview process and signed by the applicant.
- *Verification forms completed and signed by third parties.
- *Reports of interviews.
- *Letters.
- *Notes of telephone conversations with reliable sources.
- *Documentation provided by the household, such as Social Security Cards, Birth Certificates, or other acceptable forms as outlined in the HUD Handbook 4350.3.

At a minimum, such reports will indicate the date/time of the conversation, name/job title of the individual contacted and written summary of the information received. Management staff will be the final judge of the credibility of any verification submitted by an applicant. If the staff considers documentation to be doubtful, it will be reviewed by the Executive Director who will make a ruling about its acceptability. Management staff will continue to purse credible documentation until it is obtained or the applicant is rejected for failing to produce it.

Sources of Information – Sources of information to be checked may include, but not limited to:

*The applicant by means of interviews
*Present and former housing providers
*Present and former employers
*Credit checks
*Household social workers, parole officers, court records, drug treatment centers, physicians and clergy
*Law enforcement and/or criminal databases

Preferred Forms of Verification – Verifications shall be attempted in the by:

*Third party written
*Copies of third party documents provided by the household (i.e., Social Security or agency printout, award letter, pay stubs, bank statement, pharmacy printouts, payment book stubs for medical insurance premium, etc.)
*Third party oral with a record kept in the file
*In the absence of any of the above, affidavits from the household

Each file will be documented to show that the Property staff attempted to obtain third party written documentation before relying on some less acceptable form of information.

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. The Property considers false information about the following to be grounds for rejecting an applicant:

*Income, assets, household composition
*Social Security Numbers
*Preferences and priorities
*Allowances
*Previous residence history or criminal history

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

Verification Time Frame
Only verified information that is less than 180 days old may be used for certification or recertification. Verifications may be extended for 30 days with a telephone update. (A record of the update must be placed in the applicant's file.) Verified information not subject to change (such as a person's date of birth) need not be re-verified.

Information obtained which is subject to change, and for which verifications are more than 180 days old must be re-verified.

Applicant Interview
At the time an appropriate unit becomes available the owner must interview the applicant and obtain current information about the family's circumstances. Any question that is asked of one applicant must be asked of all applicants. A final decision on eligibility cannot be made until all verifications are complete.

Owners should refer to the HUD Handbook 4350.3 for income, asset and allowance information. Owners must:

*Confirm and update all information provided on the rental application;

*Explain program requirement, verification procedures and penalties for false information. The penalties include eviction, loss of assistance, fines up to $10,000 and imprisonment up to five years;

*Obtain family income and composition information needed to certify eligibility and compute the tenant's share of the rent. Any changes in family income and composition since the date of application should also be obtained;

*Review the financial information on the rental application and specifically ask the applicant whether any member of the household receives the types of income or assets as listed on the application. If it seems likely that an applicant is receiving a form of income not reported on the application, ask the applicant about that source of income and document the applicant's response in the file;

*Ask the head of household, spouse, co-head(s) and household members age 18 years and over to sign the release of information consent portion of any verification request, or other applicable forms, used for determining eligibility;

*Require the head of household, spouse, co-head(s) and household members age 18 years and over to give a written verification as to whether any family member did/did not dispose of any assets for less than fair market value during the two years preceding the effective date of the verification;

*Require ALL household members to disclose and document all Social Security Numbers or execute a certification when a Social Security Number has not been assigned;

*Require that all household members to make declaration of citizenship or legal non-citizenship. Parents make the declaration for minor household members. Legal non-citizenship requires documentation. In cases where citizenship is "questionable" management may require documentation;

*Advise the family that, for a sample of cases, HUD will compare the information with Federal, State or local agencies;

*Tell the family that a final decision of eligibility cannot be made until all verifications are complete;

*Inform the family that Federal laws prohibit discrimination against individuals with handicaps.

*Inform the applicant(s) of housing for the elderly or handicapped about the rules on owning pets; and

*Provide the household with Federal and State Data Privacy information.

Procedures for Rejecting Ineligible

If an applicant is found to be ineligible for any reason, he/she will be so notified in writing stating the following:

*The reason for this rejection.

*The applicant has 14 days to respond in writing and/or to request an appeal hearing to discuss the rejection.

*An individual with a disability has the right to request reasonable accommodations to participate in the informal hearing process.

Any meeting with the applicant or review of the applicant's written response must be conducted by a member of the owner's staff who did not make the initial decision to reject the applicant. If the applicant appeals the rejection, the owner must give the applicant a written final decision within five days of the response or meeting.

The owner must keep all information pertaining to this rejection on file for at least three years, including application, initial rejection notice, any applicant reply, owner's final response, and all interview and verified information on which the owner based the rejection. All letters of rejection, together with the application packet, will be maintained by Management for a period of three (3) years in a separate file marked REJECTED APPLICATIONS.

Eligibility of Independent Students to Receive Section 8 Assistance

To be eligible for Section 8 Assistance, any adult who attends an institute of higher learning (full or part-time) must be one of the following:

*A dependent of the household.
*Over age 23
*A Veteran
*Married
*A parent with dependent child (or children)
*A disabled individual who was receiving assistance prior to November 30, 2005
*Independent from parents [SEE BELOW] OR have parents who are income eligible for Section 8 assistance.

NOTE: To prove that a person age 18-23 is "independent" an owner must verify (and document that the student):

*Are of legal contract age under STATE law, AND

*Have established a separate household from parent for at least a year OR meet the U.S. Department of Education definition of an independent student [SEE BELOW], AND

*Are not claimed on parents tax return, AND get (or do not get) financial help from parents.

NOTE: The U.S. Department of Education definition of "independent student" is one who:

*Is age 24+ by December 31 of year
*Is an orphan or ward of state through age 18
*Is a veteran
*Has a legal dependent
*Is a graduate or professional student
*Is married

If the student is NOT "independent", then the parents must be income-eligible for Section 8. The parents may sign a declaration and certification of income. They must be below the HUD income limit. The come limit that will be used:

*If parent live in the U.S. income limit will be for the county that the parent live in.

*If parents live outside the U.S. income limit where the property is located.

An owner may verify further (tax returns, etc.) if the parents certification is questionable. The student is not eligible if he parents refuse to provide a:

*Declaration of their income, AND
*Statement of whether they provide student financial assistance or not.

Social Security Number Requirements
On April 14, 2009, HUD issued HUD Notice 10-08 Implementation of Refinement of Income and with the implementation of the Final Rule effective January 31, 2010, the requirement to disclose and provide verification of a Social Security Number is no longer limited to those assistance applicants and residents six years of age and older. The provision to sign a certification stating that no Social Security has been assigned has been removed as well.

Exceptions to Disclosure of Social Security Number
The Social Security Number requirements do not apply to:
Individuals who do not contend eligible immigration status.

*When applicants and residents are require 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, the owner will have each resident's Citizenship Declaration on file – whereby the individual did not contend eligible immigration status – to support exception to the requirements to disclose and provide verification of a Social Security Number.

*For Section 221(d)(3) BMIR, Section 202 PAC, Section 202 PRAC and Section 811 PRAC properties, the restriction of assistance to noncitizens does not apply. Individuals living at one of these properties, who do not contend eligible immigration status, must sign a certification, containing the penalty of perjury clause. The certification must be maintained in the resident file to support exception to the requirements to disclose or provide verification of a Social Security Number.

Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.

*The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.

*Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. An owner/agent must not accept a certification from the applicant stating they qualify for the exemption.

*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.

A child under the age of 6 years old added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90 days after the date of admission to provide the Social Security Number and appropriate documentation. A 90-day extension may be granted under certain circumstances. If the household does not provide the Social Security number and appropriate documentation within the prescribed timeframe, HUD regulations require that the household's assistance be terminated.

Foster children or adults-some foster agencies will not provide SSN verification to fostering parents. In this case, the local HUD office must be contacted to request approval for a waiver. If the waiver is granted, the tenant file will be noted accordingly.

Acceptable Verification Documents
Most individuals should be able to verify all Social Security Numbers with a Social Security card. However, if the applicant or resident cannot produce the Social Security card for any or all non-exempt household members, the document listed below, showing the household member's Social Security Number, may be used for verification.

*Original document issued by a federal or state government agency which contains the name, Social Security Number, and other identifying information of the individual.

*Driver's License with Social Security Number

*Earning statements on payroll stubs

*Bank statement

*Form 1099

*Social Security Administration benefit award letter

*Retirement benefit letter

*Life Insurance policy
*Court records

Rejection of Documentation
The owner/agent must reject a document that:
*Is not an original document; or
*Is the original document but it has been altered, mutilated, or is not legible; or
*Appears to be a forged document (i.e., does not appear to be authentic).
The owner/agent must explain to the applicant or resident the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation of the Social Security Number and submit it.

Actions Once Social Security Number is Verified
Once the individual's Social Security Number has been verified, the owner/agent should remove and destroy the copy of the verification documentation by no later than the next recertification of family income or composition.
*Paper documentation should be destroyed by shredding, pulverizing or burning
*Electronic documentation should be destroyed by erasing or permanently deleting the file

The resident file should include the Household Summary Report from the EIV system which reports the status of the identity verification process and provides verification of the Social Security Number. Retaining the Household Summary Report in the resident file and destroying the copy of the Social Security Number documentation will minimize the risk of exposing the individual's Social Security Number. Owner/agents are encouraged to minimize the number of resident records that contain documents which display the full nine-digit Social Security number.

Notices to Residents and Applicants
Owner/agents must contact applicants to notify them of the change in Social Security Number requirements. The notice must inform applicants that they will have to disclose and provide verification of Social Security Numbers for all non-exempt household members before they can be admitted. For existing residents, notice must be given to the head of household indicating Social Security Number documentation must be brought to the next certification meeting for all non-exempt household members who have:
*Not disclose their Social Security Number
*Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
*Been issued a new Social Security Number.
In addition, if a resident requests to add a new household member, the owner/agent must provide a notice explaining the change in Social Security Number requirements. As with all notices to residents and applicants, limited English proficiency requirements apply.

Penalties for a Resident's Non-disclosure of Social Security Number
Owner/agents must terminate the tenancy of a resident and the resident's household if the resident does not meet the Social Security Number disclosure, documentation and verification requirements since the household is in non-compliance with its lease. There is no proration of assistance for those household members who are required to obtain a Social Security Number but who fail to disclose and verify their Social Security Number.

Timeframe for Providing Social Security Numbers
All residents, except those who are exempt, must disclose and provide verification of their Social Security Number at the time of their next interim or annual certification if:

*They have not previously disclosed a Social Security Number
*Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
*Been issued a new Social Security Number.

Failure to provide this information will result in termination of tenancy. The owner/agent may defer termination of tenancy and provide the resident with an additional 90 days to become compliant with the Social Security Number disclosure and verification requirements. The deferral is at the owner/agent's discretion and must only be provided if failure to meet the Social Security Number requirements was due to circumstances outside the control of the resident and there is likelihood that the resident will be able to disclose and provide verification of the needed Social Security Number(s) by the deadline date. The head of household must be notified when EIV pre-screening or the Social Security Administration validation determines that a household member has provided an invalid Social Security Number.

If a resident fails to provide a valid and verified Social Security Number, the household is subject to termination of tenancy in accordance with 24 CFR 5.218.

Applicants

Applicants do not need to disclose or provide verification of a Social Security Number for household members to be placed on the waiting list. The process – described in HH 4350.3 Revision 1, Change 3, Paragraph 3-9 – of having applicants certify that they have a Social Security Number for each household member is no longer applicable.

However, applicants must disclose a Social Security Number and provide adequate documentation to verify each Social Security Number 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 Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit.

*The applicant who has not provided required Social Security Number information for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose/verify the Social Security Numbers.

*During this 90-day period, the applicant may retain its place on the waiting list..

*After 90 days, if the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

Adding a Household Member

When a resident requests to add a household member who is age six or older, the documentation of the Social Security Number for the new household member must be provided to the owner/agent at the time of the request or at the time the certification, which includes the new household member, is processed. The owner/agent must not add the new household member until such time as the documentation is provided.

When adding a household member, who is a child under the age of six with a Social Security Number, the child's Social Security Number must be disclosed and verification provided at the time the owner/agent prepares the certification that includes the new household member.

If the child does not have a Social Security Number, the owner/agent must give the household 90 days in which to provide documentation of a Social Security Number for the child. An additional 90-day period must be granted if the failure to provide documentation of a Social Security Number is due to circumstances that are outside the control of the resident. Examples include but are not limited to:

*Delayed processing of the Social Security Number application by the Social Security Administration
*Natural Disaster
*Fire
*Death in family

During this time period, the child is included as part of the household and the household will receive all of the benefits of the program including the dependent deduction and applicable child care deductions.

At the time of the disclosure of the Social Security Number and adequate verification documentation, an interim certification must be processed to include the child's certified Social Security Number. If the Social Security Number is not provided, the household is subject to termination of tenancy.

The Enterprise Income Verification System (EIV)
In an effort to ensure the right assistance is provided to the right people, the Department of Housing and Urban Development (HUD) has provided managers with access to a new verification database called the Enterprise Income System (EIV).

EIV provides information about project-based and tenant-based HUD assistance recipients. This database is also used to verify certain types of reported incomes with records maintained with the Social Security Administration, Department of Health and Human Services (HHS) as well as the National Database of New Hires. HHS provides information about current and past employment and unemployment income information.

As an Applicant and possible resident of Sterling Housing Authority, HUD mandates that you be informed about this new system. By signing HUD form 9887, you authorize HUD and the Sterling Housing Authority to use data obtained through computer matching with other agencies to verify your income in order to establish eligibility.

EIV Reports
The Enterprise Verification System or EIV consist of various reports that are available to assist managing agents in the verifying of data. The reports and the frequency that they are accessed are as follows:

*Income Reports – At Annual Re-certifications
*Income Discrepancy Report – At Annual Re-certifications
*No Income Reported on 50059 – Quarterly
*No Income Reported by HHS or SSA – Quarterly
*New Hires Report – Quarterly

Existing Tenant Search – Will be generated for all Applicants

*Multiple Subsidy Report – Quarterly
*Identity Verification Report – Monthly
*Decease Tenant Report – Quarterly
*New Hire Report – Quarterly

Rejection Criteria
The Property complies with applicant rejection requirements set forth in the HUD Handbook 4350.3. Management reserves the right to reject applicants for admission of it is determined that the applicant or any member of the household falls within any one or more of the following categories list below in this section:

Owners may reject an applicant for a poor credit history, but must no reject an applicant for <u>lack</u> of a credit history. Applicants with poor or unacceptable Credit Histories may still be permitted to have their names added to the waiting list. Consideration will be granted on the Person's individual situation. The Applicant's will be given an opportunity to provide and explanation and request further consideration.

<u>An example of unacceptable credit history is one that reflects:</u>

*Consistent, past-due payments of more than 90 days; A history of repeated insufficient fund checks;

*Derogatory credit (repossessions, foreclosures, collections, charge-offs, liens, bankruptcy not yet discharged, etc.)

*Failure to cooperate with re-certification procedures

Applicants may also be rejected if:

*The applicant is ineligible;

*The applicant's household characteristics are not appropriate for the size or type of units that are available;

*The applicant does not meet the owner's resident selection criteria;

*The applicant fails to disclose and document all Social Security Numbers or execute a certification when numbers have not been assigned;

*The applicant fails to provide declaration of citizenship or legal non-citizenship;

*Does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A),

*The applicant was/is unable to fulfill obligations and comply with all terms of the previous/current Lease/Rental Agreement;

*The applicant has a record of chronic late, underpayment or nonpayment of rightful obligations, including rent and utilities;

*The applicant has a record of disruptive behavior;

*The applicant has a record of destruction of property;

*The applicant has a record of poor living or housekeeping habits;

*The applicant has been evicted for material non-compliance, or 'other good cause', from current or previous housing;

*The applicant has a history of activities that would be injurious to the reputation of the property and/or be likely to cause an increase in the rate of hazard insurance on the property;

*The applicant purposefully falsified, misrepresented or withheld information or submitted inaccurate and/or incomplete information on any application or during the interview related eligibility, award of preference for admission, allowance, family composition or rent;

*The applicant was evicted or lost housing assistance because s/he purposefully falsified, misrepresented or withheld information or submitted inaccurate and/or incomplete information on any application or during interview relate to eligibility, award of preference for admission, allowance, family composition or rent;

*The applicant refuses to comply with housing program requirements, policies and/or procedures; i.e., failure to sign and submit relevant forms, consents, releases, etc.;

*The applicant has current or recent problems involving Negative Landlord Response (evictions);

*The applicant has current or recent problems involving Failure to meet past financial obligations

*The applicant has current or recent problems involving Negative credit report

*The applicant has current or recent problems involving Giving false information on the application

*The applicant has current or recent problems involving Refusal to cooperate with a home visit

*An applicant may be rejected if a home visit is completed and it is determined by management that the current residence of the applicant or any member of the household's family is not safe & sanitary

*The applicant has current or recent problems involving their inability to have the Utilities including but not limited to (electrical, gas, cable and phone) service in the name of the Head of Household's name.

*The applicant has current or recent problems involving Violation of house rules

*The applicant has current or recent problems involving previous eviction for lease violations or previous termination of assistance for fraud

Applicants must be rejected if:

*The applicant was evicted in the last three years from federally assisted housing for drug-related criminal activity unless successful completion of an approved, supervised drug rehabilitation program can be substantiated;

*interfere with others' health, safety and right to peaceful enjoyment.

*Any household member currently engaging in or has engaged in violent criminal activity or other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other resident, or the site's employees, contractor, or agents.

*A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety and right to peaceful enjoyment of the property by other residents;

*Any household member who is subject to a state sex offender lifetime registration requirement

*The applicant has current or recent problems involving chemical or drug dependency resulting in any of the other reasons for non-selection; and/or

*The applicant has current or recent problems involving domestic violence; 2 or more offenses in the past 12 months

*The applicant has current or recent problems involving Drug Related; 2 or more in the past 12 months

*The applicant has current or recent problems involving Assault; 2 or more within the past 12 months

*The applicant has current or recent problems involving Battery; 1 or more within the past 12 months

*The applicant has current or recent problems involving Drugs & Illegal Substance Abuse.

Note: The term 'applicant' is inclusive of the applicant and all other household members.

Unwitting errors that do not secure an advantage with regard to program eligibility preferences, or rent will not be used as a basis to reject applicants.

Applicants may be denied particular units and placed on a waiting list if the household's characteristics are not appropriate for the size or type of units that are available at that time.

If Sterling Housing Authority does not place an applicant on the waiting list or immediately process the applicant for admission, Sterling Housing Authority must promptly notify the applicant in writing of the rejection, and explain in the notice the reason(s) for the rejection.

AND,

The applicant has 14 days to respond in writing or to request a meeting to discuss the rejection.

If the applicant is an individual with handicaps, the applicant may inform Sterling Housing Authority this fact and may ask Sterling Housing Authority to make reasonable accommodations in the policies or practices to enable the applicant equal opportunity.

A member of Sterling Housing Authority staff, who did not make the initial decision to reject the applicant, must conduct any meeting with the applicant or review of the applicant's written response.

If the applicant appeals the rejection, Sterling Housing Authority must give the applicant a written final decision within 5 days of the response meeting.

Sterling Housing Authority must keep the following materials on file for at least three years: application, initial rejection notice, any applicant reply, owner's final response and all interview and verified information on which the owner based the rejection.

Mitigating Circumstances:

Sterling Housing Authority will hold a second interview with any applicant known to have a disability or handicap who cannot meet one or more of the tenant screening criteria. The purpose of this interview is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying reasonable accommodation.

Mitigating circumstances would be facts (that can be verified) that would overcome or outweigh information gathered in the tenant screen process.

Acceptable evidence of mitigating circumstances may include the following:

*Verification that unacceptable past behavior is either no long in effect or otherwise controlled.

*Applicants who claim unacceptable behavior resulting from alcoholism or drug addiction must verify that they are not currently engaging in alcohol abuse or the use of illegal drugs. Current abuse is defined as use more than 120 day prior to the date of application.

During the period that the applicant is claiming no current use, the applicant's behavior in the previously unacceptable area must have shown improvement. Unimproved behavior shall be taken to construe that either the applicant's unacceptable behavior was not caused by alcohol or drug abuse, or the applicant is still engaging in alcohol or drug abuse. Lack of improvement in a previously unacceptable area shall result in a rejected application.

Sterling Housing Authority shall also have the right to request further information reasonable needed to verify a mitigating circumstance, even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such further information, Sterling Housing Authority will give no further consideration to the mitigating circumstance.

Residency Requirements
At the time of residency, applicants must pay a security deposit that is equal to the Total Tenant Payment (TTP) at Move-in and will be put into a separate account and earn interest at the current established bank rate. Upon signing the lease, the applicant is agreeing to abide by the rules of the lease as well as the House Rules as established in the Resident Handbook. They also agree to the rules and regulations associated with receiving assistance from HUD. Resident leases are for one year. Four months prior to lease expiration, tenants will be notified of their obligation to recertify with the Leasing Manager. Failure to do so will result in the loss of subsidy causing the resident to pay full market rate on the apartment. An annual apartment inspection will be part of the recertification process. Failure at this inspection could result in termination of subsidy and/or eviction.

Residents who receive a subsidy and are absent from their apartment for more than six months (180 days) due to medical reasons will go to market rate rent on the seventh month from the date the resident was initially admitted to a medical facility. Residents may appeal the change in rent by writing the Executive Director who may grant an exception. Exceptions will be granted on a case-by-case basis.

EIV (Enterprise Income Verification) is used at Sterling Housing Authority by the Leasing Manager. This person has been specifically trained and is an authorized user of this system which authenticates applicant and resident incomes through Social Security. Additionally, it checks if an applicant is already receiving a federal housing subsidy. Information is gathered using EIV during the initial application process as well as during re-certifications and possibly during an interim recertification if necessary. Any printouts obtained using EIV are destroyed after two years in accordance with HUD Notice H 08-03.

Smoke-Free Policy
Sterling Housing Authority desires to make all apartments nonsmoking. Due to the increased risk of fire, and the known health effects of secondhand tobacco smoke, smoking is prohibited in any apartment and building owned and operated by the Housing Authority.

Sterling Housing Authority desires to mitigate the irritation and known health effects of secondhand smoke; the increased maintenance, cleaning and redecorating costs from smoking; the increased risk of fire from smoking; and the higher costs of fire insurance for non-smoke-free buildings.

We define Smoking to mean inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any manner or in any form.

This policy applies to all tenants, guests, management and contractors.

Responsibilities
On October 1, 2013, Sterling Housing Authority implemented a non-smoking lease addendum. Current residents are required to sign the lease addendum during the certification and re-certification process. Sterling Housing Authority will enforce the smoke free lease addendum which may result in eviction if violations occur.

Violence Against Women Act
HUD Notice #09-15 pertains to the Violence against Women Act of 2005 (VAWA) which prohibits project-based Section 8 owners from denying admission to any person simply because she/he has been a victim of domestic violence, or stalking. Domestic violence, dating violence, or stalking is not good cause for evicting the victim of that violence. Under VAWA an owner can only evict an individual based on the domestic violence against his/her if it can prove there is an “actual and eminent threat to other tenants or staff if s/he is not evicted.

The Violence Against Women and Justice Department Reauthorization Act of 2005 protects tenants and family members of tenants who are victim of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. These provisions apply both to public housing agencies administering public housing and Section 8 programs and to owners renting to families

Under Section 8 rental assistance programs.

In general, the law provides in part that criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The law also provides that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violation of the lease by the victim or threatened victim of the violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Live-in Aide

The definition of a line-in aide is a person who resides with one or more elderly persons, near-elderly person or person with disabilities and who is: (1) determined to be essential to the care and will-being of the person(s); (2) is not obligated for the support of the person(s); and (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family unless they are an adult child and is needed for essential care of the family member. They are not entitled to occupancy as the remaining member of the tenant family.

Live-in aides are recommended by not required to be certified as a caregiver. Live-in aides will be subject to credit and criminal background checks at the resident's initial certification and annual recertification.

Charges for Facilities and Services

Owners must not collect any money from tenants at initial occupancy other than rent and the maximum HUD-allowed security deposit, unless they receive HUD approval to do otherwise.

Rent Payment

All rent is due on the 1st of each month; however, the tenant is allowed up to five (5) days to pay his/her rent. The Managing agent may deduct accrued, unpaid late rent from the tenant's security deposit at the time of move-out if permissible under state and local laws.

NSF Checks

Actual bank fees may be assessed to the resident whenever a check is returned for "Non-sufficient Funds."

Damages

Whenever damage is cause by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor, the tenant is obligated to reimburse the Owner for the damages within 30-day after the tenant receives a bill from the Managing agent.

The Managing agent may deduct accrued, unpaid damage charges from the tenant's security deposit at the time of move-out, if such a deduction is permitted under state and local laws.

The tenant cannot be charged more than the actual and reasonable costs incurred by the project for repairing the damages. Receipts will accompany all transactions.

The Owner's bill is limited to actual and reasonable costs incurred by the Owner for repairing the damages.

Security Deposit Requirements

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

The tenant is expected to pay the security deposit from his/her own resources, and/or other public or private sources.

The security deposit is refundable.

An applicant may be rejected if he/she does not have sufficient funds to pay the deposit.

HUD requires collection of a security deposit at the time of the initial lease execution. The required security amount is equal to the greater $50 or the TTP/Total Tenant Payment, from the HUD 50059 form.

At the time of the initial execution of the Lease, the Managing agent must collect a security deposit that equals the assessed first month's rent.

Security deposits provide the Owner with some financial protection when a tenant moves out of the unit and fails to fulfill his/her obligations under the lease.

The Managing agent shall place the security deposit in an interest-bearing account and allocate the interest to the tenant annually. The amount of the security deposit established at move-in does not change when a tenant's rent changes. The tenant must pay the security deposit from his/her own resources, and/or other public or private sources.

Security Deposit Refunds
In order to receive a refund of the security deposit, a tenant must provide the Managing agent with a forwarding address or arrange to pick up the refund.

Timeliness:
Within 30-days after the move-out date the Managing agent shall either:
Refund the full security deposit plus accrued interest to a tenant that does not owe any amounts under the lease; or

Provide the tenant with an itemized list of any unpaid rent, damages to the unit, and an estimated cost for repair, along with a statement of the tenant's rights under State and Local laws.

If the amount the Managing agent claims is less than the security deposit amount plus accrued interest, the Managing agent must refund the unused balance to the tenant.

If the Managing agent fails to provide the list to the tenant that the tenant is entitled to, a full refund of the tenant's security deposit plus accrued interest must be paid to the tenant.

If a disagreement arises concerning the reimbursement of the security deposit to the tenant, the tenant has the right to present objections to the Managing Agent in an informal meeting. The Managing Agent must keep a record of any disagreements and meetings in the tenant file for a period of three years for inspection by HUD Field Office or Contract Administrator. These procedures will not preclude the tenant from exercising any rights under state and local law.

If the security deposit is insufficient to reimburse the Owner for any unpaid or other amounts that the tenant owes under the lease, the Owner may be able to claim reimbursement from the HUD Field Office or Contract Administrator.

Any reimbursement from HUD received by the Owner must be applied first toward any unpaid tenant rent due under the lease. Additionally, no reimbursement may be claimed for unpaid rent for the period after termination of the tenancy.

If a disagreement arises concerning the reimbursement of the security deposit to the tenant, the tenant has the right to present objections to the Owner in an informal meeting. The Owner must keep a record of any disagreements and meetings in the tenant file for a period of three years for inspection by the HUD Field Office or Contract Administrator.

Unit Inspections
Before Move-in
Before executing a lease, the Managing agent and tenant must jointly inspect the unit. After the Managing agent conducts a unit inspection, the inspection form must indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary and in good repair. If cleaning and repair is required, the Managing agent must specify on the inspection form the date by which the work will be completed. This date should not exceed 30-days after the effective date of the lease.

Both the Owner and the tenant must sign and date the inspection form. The inspection form must include the statement, "The unit is in decent, safe and sanitary condition".

The tenant has 5 days to report any additional deficiencies to the Owner to be noted on the move-in inspection form.

The move-in section form must be made part of the lease, as an attachment to the lease.

At Move-out
All tenants or their authorized representatives are encouraged to accompany the Managing agent on the move-out inspection. This will help resolve any disagreements regarding damages to the unit.

If no one is available and the tenant is unable to participate, the Managing agent may do the inspection alone or with an accompanying staff. All keys must be returned to the Managing agent at the end of the move-out inspection.

Annual Recertification Requirements
The Managing agent will conduct Annual Re-certifications for all tenants based on their Move-In dates. All residents are to re-certify annually.

All new tenants receive their Initial Notice for an up-coming Re-certification at the initial lease signing.

The 1st Reminder Notice is sent out 120 days prior to the tenant Annual date. Per HJUD guidelines this second notice is sent 90 days prior to the recertification anniversary date and subsequently the 3rd Remind Notice is sent out 60 days prior to the annual date.

In order to be re-certified all tenant must meet with the Managing agent and supply all information requested regarding his/her income, assets and expenses. Household members are also required to report other factors that may affect the determination of adjusted income. The rent and assistance payments will be recomputed, if applicable, based on the information gathered.

The tenant must sign consent forms and the Managing agent must obtain third-part Verification of the following items and document them in the tenant file (or document why third-party verification was unavailable).
Examples of information required:

*Social Security Benefits/Pension (Income)
*Bank Accounts/Real Estate Property (Assets)
*Medicare Payments/Prescription Drugs (Expenses related to allowable medical deductions)

The Managing agent shall provide the tenant with a copy of the HUD fact sheet describing how the tenant's rent is calculated. Fact Sheets are included in Appendix 14 of HUD Handbook 4350.3.

Interim Recertification Reporting Policies
The Managing agent shall process an Interim Re-certification if there has been a change(s) since the last re-certification that may affect the TTP or tenant rent and assistance payment for the tenant. To ensure that assisted tenants pay rents commensurate with their ability to pay, tenants must supply information requested by the Owner of HUD for use in an interim re-certification of family income and composition in accordance with HUD requirements. All tenants must notify the Owner when:

*A family members moves out of the unit.
*The family proposes to move a new member into the unit;

At a minimum, Owners must apply screening criteria for drug abuse and other criminal activity to persons proposed to be added to the household, including line-in aides;

An adult member of the family who was reported an unemployed on the most recent certification or re-certification obtains employment; or

The family's income cumulatively increases by $200 or more per month ($2,400.00 per year).

The Managing agent shall process the recertification of family income and family composition with a reasonable time, which is only the amount of time needed to verify the information provided by the tenant. Generally, this should not exceed 4 weeks.

Tenants may request an interim re-certification due to any changes occurring since the last re-certification that may affect the TTP or tenant rent and assistance payment for the tenant.

Changes a tenant may report include the following but are not limited to:
*Loss of employment
*Reduction in numbers of hours worked by an employed family member
*Loss or reduction of welfare income

The Managing agent may refuse to process an interim re-certification when the tenant reports a decrease in income only if the following apply:

The decrease was caused by a deliberate action of the tenant to avoid paying rent.

The Managing agent has a confirmation that the decrease in income will last less than one month. For example, the tenant's employer verifies in writing that the tenant will be laid off for only two weeks. If the Managing agent determines that the decrease in income will last less than one month, the Managing agent may choose, but is not obligated to process an interim re-certification.

The Owner must, however, implement this policy consistently for all tenants who experience a reduction in income that will last for less than one month.

Changes in Family Composition
If the qualifying person leaves the unit, determine whether the remaining member of the household is eligible to receive assistance.

For Section 8 Projects determine if the individual still residing in the unit meets the eligibility requirements for the project: income, age or disability. If the individual is not eligible, he/she may not receive rental assistance and may not be allowed to remain in the unit.

Extended Absence From Unit
Tenants may not be absent from their apartment for longer than 60 continuous days, or in the case of medical reasons, for longer than 180 continuous days. Cases with unusual extenuating circumstances that require a longer Term of continuous absence must be present in writing to the Executive Director of the Sterling Housing Authority for consideration.

Residents who receive a subsidy and are absent from their apartment for more than 180 days due to medical reasons will go to market rate rent on the 7^{th} month from the date the resident was initially admitted to a medical facility. Residents may appeal the change in rent by writing the Sterling Housing Authority, who may grant an exception. Exceptions will be granted on a case-by-case basis.

Implementation of House Rule Changes
House rules are listed in the lease as an attachment to the lease. House rules are listed in the lease as an attachment and must be attached to the lease.

The Managing agent shall provide tenants with a notice of House Rules Changes at least 60 days prior to the end of the lease term.

The Managing agent shall include a copy of the revised lease or addendum revising the existing lease agreement. A letter shall be included stating that the tenant can either accept the modification or move, but that response id due within 30 days. The notice must be served by:

*Sending a letter by first class mail properly stamped;
*Delivering a copy of the notice 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.
*Service of the notice is deemed effective once the notice has been both mailed and delivered.