

U.S. Department of Housing and Urban Development

## **Document Package for Applicant's/Tenant's Consent to the Release Of Information**

**This Package contains the following documents:**

- 1. HUD-9887/A Fact Sheet describing the necessary verifications**
- 2. Form HUD-9887 (to be signed by the Applicant or Tenant)**
- 3. Form HUD-9887-A (to be signed by the Applicant or Tenant and Housing Owner)**
- 4. Relevant Verifications (to be signed by the Applicant or Tenant)**

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Each household must receive a copy of the 9887/A Fact Sheet, form HUD-9887, and form HUD-9887-A.

**Verification of Information Provided by Applicants and Tenants of Assisted Housing**

**What Verification Involves**

To receive housing assistance, applicants and tenants who are at least 18 years of age and each family head, spouse, or co-head regardless of age must provide the owner or management agent (O/A) or public housing agency (PHA) with certain information specified by the U.S. Department of Housing and Urban Development (HUD).

To make sure that the assistance is used properly, Federal laws require that the information you provide be verified. This information is verified in two ways:

1. HUD, O/As, and PHAs may verify the information you provide by checking with the records kept by certain public agencies (e.g., Social Security Administration (SSA), State agency that keeps wage and unemployment compensation claim information, and the Department of Health and Human Services' (HHS) National Directory of New Hires (NDNH) database that stores wage, new hires, and unemployment compensation). HUD (only) may verify information covered in your tax returns from the U.S. Internal Revenue Service (IRS). You give your consent to the release of this information by signing form HUD-9887. Only HUD, O/As, and PHAs can receive information authorized by this form.
2. The O/A must verify the information that is used to determine your eligibility and the amount of rent you pay. You give your consent to the release of this information by signing the form HUD-9887, the form HUD-9887-A, and the individual verification and consent forms that apply to you. Federal laws limit the kinds of information the O/A can receive about you. The amount of income you receive helps to determine the amount of rent you will pay. The O/A will verify all of the sources of income that you report. There are certain allowances that reduce the income used in determining tenant rents.

**Example:** Mrs. Anderson is 62 years old. Her age qualifies her for a medical allowance. Her annual income will be adjusted because of this allowance. Because Mrs. Anderson's medical expenses will help determine the amount of rent she pays, the O/A is required to verify any medical expenses that she reports.

**Example:** Mr. Harris does not qualify for the medical allowance because he is not at least 62 years of age and he is not handicapped or disabled. Because he is not eligible for the medical allowance, the amount of his medical expenses does not change the amount of rent he pays. Therefore, the O/A cannot ask Mr. Harris anything about his medical expenses and cannot verify with a third party about any medical expenses he has.

**Customer Protections**

Information received by HUD is protected by the Federal Privacy Act. Information received by the O/A or the PHA is subject to State privacy laws. Employees of HUD, the O/A, and the PHA are subject to penalties for using these consent forms improperly. You do not have to sign the form HUD-9887, the form HUD-9887-A, or the individual verification consent forms when they are given to you at your certification or recertification interview. You may take them home with you to read or to discuss with a third party of your choice. The O/A will give you another date when you can return to sign these forms.

If you cannot read and/or sign a consent form due to a disability, the O/A shall make a reasonable accommodation in accordance with Section 504 of the Rehabilitation Act of 1973. Such accommodations may include: home visits when the applicant's or tenant's disability prevents him/her from coming to the office to complete the forms; the applicant or tenant authorizing another person to sign on his/her behalf; and for persons with visual impairments, accommodations may include providing the forms in large script or braille or providing readers.

If an adult member of your household, due to extenuating circumstances, is unable to sign the form HUD-9887 or the individual verification forms on time, the O/A may document the file as to the reason for the delay and the specific plans to obtain the proper signature as soon as possible.

The O/A must tell you, or a third party which you choose, of the findings made as a result of the O/A verifications authorized by your consent. The O/A must give you the opportunity to contest such findings in accordance with HUD Handbook 4350.3 Rev. 1. However, for information received under the form HUD-9887 or form HUD-9887-A, HUD, the O/A, or the PHA, may inform you of these findings.

O/As must keep tenant files in a location that ensures confidentiality. Any employee of the O/A who fails to keep tenant information confidential is subject to the enforcement provisions of the State Privacy Act and is subject to enforcement actions by HUD. Also, any applicant or tenant affected by negligent disclosure or improper use of information may bring civil action for damages, and seek other relief, as may be appropriate, against the employee.

HUD-9887/A requires the O/A to give each household a copy of the Fact Sheet, and forms HUD-9887, HUD-9887-A along with appropriate individual consent forms. The package you will receive will include the following documents:

1. **HUD-9887/A Fact Sheet:** Describes the requirement to verify information provided by individuals who apply for housing assistance. This fact sheet also describes consumer protections under the verification process.
2. **Form HUD-9 887:** Allows the release of information between government agencies.
3. **Form HUD-9 887-A:** Describes the requirement of third party verification along with consumer protections.
4. **Individual verification consents:** Used to verify the relevant information provided by applicants/tenants to determine their eligibility and level of benefits.

**Consequences for Not Signing the Consent Forms**

If you fail to sign the form HUD-9887, the form HUD-9887-A, or the individual verification forms, this may result in your assistance being denied (for applicants) or your assistance being terminated (for tenants). See further explanation on the forms HUD-9887 and 9887-A.

If you are an applicant and are denied assistance for this reason, the O/A must notify you of the reason for your rejection and give you an opportunity to appeal the decision.

If you are a tenant and your assistance is terminated for this reason, the O/A must follow the procedures set out in the Lease. This includes the opportunity for you to meet with the O/A.

**Programs Covered by this Fact Sheet**

- Rental Assistance Program (RAP)
- Rent Supplement
- Section 8 Housing Assistance Payments Programs (administered by the Office of Housing)
- Section 202
- Sections 202 and 811 PRAC
- Section 202/162 PAC
- Section 221(d)(3) Below Market Interest Rate
- Section 236
- HOPE 2 Home Ownership of Multifamily Units

O/As must give a copy of this HUD Fact Sheet to each household. See the Instructions on form HUD-9887-A.

# Notice and Consent for the Release of Information

U.S. Department of Housing  
and Urban Development  
Office of Housing  
Federal Housing Commissioner

to the U.S. Department of Housing and Urban Development (HUD) and to an Owner and Management Agent (O/A), and to a Public Housing Agency (PHA)

HUD Office requesting release of information (Owner should provide the full address of the HUD Field Office, Attention: Director, Multifamily Division.):	O/A requesting release of information (Owner should provide the full name and address of the Owner.):	PHA requesting release of information (Owner should provide the full name and address of the PHA and the title of the director or administrator. If there is no PHA Owner or PHA contract administrator for this project, mark an X through this entire box.):
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**Notice To Tenant: Do not sign this form if the space above for organizations requesting release of information is left blank. You do not have to sign this form when it is given to you. You may take the form home with you to read or discuss with a third party of your choice and return to sign the consent on a date you have worked out with the housing owner/manager.**

**Authority:** Section 217 of the Consolidated Appropriations Act of 2004 (Pub L. 108-199). This law is found at 42 U.S.C.653(J). This law authorizes HHS to disclose to the Department of Housing and Urban Development (HUD) information in the NDNH portion of the "Location and Collection System of Records" for the purposes of verifying employment and income of individuals participating in specified programs and, after removal of personal identifiers, to conduct analyses of the employment and income reporting of these individuals. Information may be disclosed by the Secretary of HUD to a private owner, a management agent, and a contract administrator in the administration of rental housing assistance.

Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by section 903 of the Housing and Community Development Act of 1992 and section 3003 of the Omnibus Budget Reconciliation Act of 1993. This law is found at 42 U.S.C. 3544. This law requires you to sign a consent form authorizing: (1) HUD and the PHA to request wage and unemployment compensation claim information from the state agency responsible for keeping that information; and (2) HUD, O/A, and the PHA responsible for determining eligibility to verify salary and wage information pertinent to the applicant's or participant's eligibility or level of benefits; (3) HUD to request certain tax return information from the U.S. Social Security Administration (SSA) and the U.S. Internal Revenue Service (IRS).

**Purpose:** In signing this consent form, you are authorizing HUD, the above-named O/A, and the PHA to request income information from the government agencies listed on the form. HUD, the O/A, and the PHA need this information to verify your household's income to ensure that you are eligible for assisted housing benefits and that these benefits are set at the correct level. HUD, the O/A, and the PHA may participate in computer matching programs with these sources to verify your eligibility and level of benefits. This form also authorizes HUD, the O/A, and the PHA to seek wage, new hire (W-4), and unemployment claim information from current or former employers to verify information obtained through computer matching.

**Uses of Information to be Obtained:** HUD is required to protect the income information it obtains in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. The O/A and the PHA is also required to protect the income

information it obtains in accordance with any applicable State privacy law. After receiving the information covered by this notice of consent, HUD, the O/A, and the PHA may inform you that your eligibility for, or level of, assistance is uncertain and needs to be verified and nothing else.

HUD, O/A, and PHA employees may be subject to penalties for unauthorized disclosures or improper uses of the income information that is obtained based on the consent form.

**Who Must Sign the Consent Form:** Each member of your household who is at least 18 years of age and each family head, spouse or co-head, regardless of age, must sign the consent form at the initial certification and at each recertification. Additional signatures must be obtained from new adult members when they join the household or when members of the household become 18 years of age.

Persons who apply for or receive assistance under the following programs are required to sign this consent form:

Rental Assistance Program (RAP)

Rent Supplement

Section 8 Housing Assistance Payments Programs (administered by the Office of Housing)

Section 202; Sections 202 and 811 PRAC; Section 202/162 PAC Section 221(d)(3) Below Market Interest Rate

Section 236

HOPE 2 Homeownership of Multifamily Units

**Failure to Sign Consent Form:** Your failure to sign the consent form may result in the denial of assistance or termination of assisted housing benefits. If an applicant is denied assistance for this reason, the owner must follow the notification procedures in Handbook 4350.3 Rev. 1. If a tenant is denied assistance for this reason, the owner or managing agent must follow the procedures set out in the lease.

**Consent: I consent to allow HUD, the O/A, or the PHA to request and obtain income information from the federal and state agencies listed on the back of this form for the purpose of verifying my eligibility and level of benefits under HUD's assisted housing programs.**

Signatures:

Additional Signatures, if needed:

\_\_\_\_\_  
Head of Household

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Family Members 18 and Over

\_\_\_\_\_  
Date

\_\_\_\_\_  
Spouse

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Family Members 18 and Over

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Family Members 18 and Over

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Family Members 18 and Over

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Family Members 18 and Over

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Family Members 18 and Over

\_\_\_\_\_  
Date

## Agencies To Provide Information

State Wage Information Collection Agencies. (HUD and PHA). This consent is limited to wages and unemployment compensation you have received during period(s) within the last 5 years when you have received assisted housing benefits.

U.S. Social Security Administration (HUD only). This consent is limited to the wage and self employment information from your current form W-2.

National Directory of New Hires contained in the Department of Health and Human Services' system of records. This consent is limited to wages and unemployment compensation you have received during period(s) within the last 5 years when you have received assisted housing benefits.

U.S. Internal Revenue Service (HUD only). This consent is limited to information covered in your current tax return.

This consent is limited to the following information that may appear on your current tax return:

1099-S Statement for Recipients of Proceeds from Real Estate Transactions

1099-B Statement for Recipients of Proceeds from Real Estate Brokers and Barter Exchange Transactions

1099-A Information Return for Acquisition or Abandonment of Secured Property

1099-G Statement for Recipients of Certain Government Payments

1099-DIV Statement for Recipients of Dividends and Distributions

1099 INT Statement for Recipients of Interest Income

1099-MISC Statement for Recipients of Miscellaneous Income

1099-OID Statement for Recipients of Original Issue Discount

1099-PATR Statement for Recipients of Taxable Distributions Received from Cooperatives

1099-R Statement for Recipients of Retirement Plans W2-G

Statement of Gambling Winnings

1065-K1 Partners Share of Income, Credits, Deductions, etc.

1041-K1 Beneficiary's Share of Income, Credits, Deductions, etc.

1120S-K1 Shareholder's Share of Undistributed Taxable Income, Credits, Deductions, etc.

I understand that income information obtained from these sources will be used to verify information that I provide in determining initial or continued eligibility for assisted housing programs and the level of benefits.

No action can be taken to terminate, deny, suspend, or reduce the assistance your household receives based on information obtained about you under this consent until the HUD Office, Office of Inspector General (OIG) or the PHA (whichever is applicable) and the O/A have independently verified: 1) the amount of the income, wages, or unemployment compensation involved, 2) whether you actually have (or had) access to such income, wages, or benefits for your own use, and 3) the period or periods when, or with respect to which you actually received such income, wages, or benefits. A photocopy of the signed consent may be used to request a third party to verify any information received under this consent (e.g., employer).

HUD, the O/A, or the PHA shall inform you, or a third party which you designate, of the findings made on the basis of information verified under this consent and shall give you an opportunity to contest such findings in accordance with Handbook 4350.3 Rev. 1.

If a member of the household who is required to sign the consent form is unable to sign the form on time due to extenuating circumstances, the O/A may document the file as to the reason for the delay and the specific plans to obtain the proper signature as soon as possible.

This consent form expires 15 months after signed.

**Privacy Act Statement.** The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 et. seq.); the Housing and Urban-Rural Recovery Act of 1983 (P.L. 98-181); the Housing and Community Development Technical Amendments of 1984 (P.L. 98-479); and by the Housing and Community Development Act of 1987 (42 U.S.C. 3543). The information is being collected by HUD to determine an applicant's eligibility, the recommended unit size, and the amount the tenant(s) must pay toward rent and utilities. HUD uses this information to assist in managing certain HUD properties, to protect the Government's financial interest, and to verify the accuracy of the information furnished. HUD, the owner or management agent (O/A), or a public housing agency (PHA) may conduct a computer match to verify the information you provide. 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 outside of HUD, except as permitted or required by law. You must provide all of the information requested. Failure to provide any information may result in a delay or rejection of your eligibility approval.

### Penalties for Misusing this Consent:

HUD, the O/A, and any PHA (or any employee of HUD, the O/A, or the PHA) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form.

Use of the information collected based on the form HUD 9887 is restricted to the purposes cited on the form HUD 9887. Any person who knowingly or willfully requests, obtains, or discloses any information under false pretenses concerning an applicant or tenant may be subject to a misdemeanor and fined not more than \$5,000.

Any applicant or tenant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the Owner or the PHA responsible for the unauthorized disclosure or improper use.

# Applicant's/Tenant's Consent to the Release of Information

Verification by Owners of Information  
Supplied by Individuals Who Apply for Housing Assistance

U.S. Department of Housing  
and Urban Development  
Office of Housing  
Federal Housing Commissioner

## Instructions to Owners

1. Give the documents listed below to the applicants/tenants to sign. Staple or clip them together in one package in the order listed.
  - a. The HUD-9887/A Fact Sheet.
  - b. Form HUD-9887.
  - c. Form HUD-9887-A.
  - d. Relevant verifications (HUD Handbook 4350.3 Rev. 1).
2. Verbally inform applicants and tenants that
  - a. They may take these forms home with them to read or to discuss with a third party of their choice and to return to sign them on a date they have worked out with you, and
  - b. If they have a disability that prevents them from reading and/or signing any consent, that you, the Owner, are required to provide reasonable accommodations.
3. Owners are required to give each household a copy of the HUD9887/A Fact Sheet, form HUD-9887, and form HUD-9887-A after obtaining the required applicants/tenants signature(s). Also, owners must give the applicants/tenants a copy of the signed individual verification forms upon their request.

## Instructions to Applicants and Tenants

This Form HUD-9887-A contains customer information and protections concerning the HUD-required verifications that Owners must perform.

1. Read this material which explains:
  - HUD's requirements concerning the release of information, and
  - Other customer protections.
2. Sign on the last page that:
  - you have read this form, or
  - the Owner or a third party of your choice has explained it to you, and
  - you consent to the release of information for the purposes and uses described.

## Authority for Re quiring A pplicant's/Tenant's Cons ent to the Release of Information

Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by section 903 of the Housing and Community Development Act of 1992. This law is found at 42 U.S.C. 3544.

In part, this law requires you to sign a consent form authorizing the Owner to request current or previous employers to verify salary and wage information pertinent to your eligibility or level of benefits.

In addition, HUD regulations (24 CFR 5.659, Family Information and Verification) require as a condition of receiving housing assistance that you must sign a HUD-approved release and consent authorizing any depository or private source of income to furnish such information that is necessary in determining your eligibility or level of benefits. This includes information that you have provided which will affect the amount of rent you pay. The information includes income and assets, such as salary, welfare benefits, and interest earned on savings accounts. They also include certain adjustments to your income, such as the allowances for dependents and for households whose heads or spouses are elderly handicapped, or disabled; and allowances for child care expenses, medical expenses, and handicap assistance expenses.

## Purpose of Requiring Consent to the Release of Information

In signing this consent form, you are authorizing the Owner of the housing project to which you are applying for assistance to request information from a third party about you. HUD requires the housing owner to verify all of the information you provide that affects your eligibility and level of benefits to ensure that you are eligible for assisted housing benefits and that these benefits are set at the correct levels. Upon the request of the HUD office or the PHA (as Contract Administrator), the housing Owner may provide HUD or the PHA with the information you have submitted and the information the Owner receives under this consent.

## Uses of Information to be Obtained

The individual listed on the verification form may request and receive the information requested by the verification, subject to the limitations of this form. HUD is required to protect the income information it obtains in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. The Owner and the PHA are also required to protect the income information they obtain in accordance with any applicable state privacy law. Should the Owner receive information from a third party that is inconsistent with the information you have provided, the Owner is required to notify you in writing identifying the information believed to be incorrect. If this should occur, you will have the opportunity to meet with the Owner to discuss any discrepancies.

## Who Must Sign the Consent Form

Each member of your household who is at least 18 years of age, and each family head, spouse or co-head, regardless of age must sign the relevant consent forms at the initial certification, at each recertification and at each interim certification, if applicable. In addition, when new adult members join the household and when members of the household become 18 years of age they must also sign the relevant consent forms.

Persons who apply for or receive assistance under the following programs must sign the relevant consent forms:

Rental Assistance Program (RAP)  
Rent Supplement  
Section 8 Housing Assistance Payments Programs (administered by the Office of Housing)  
Section 202  
Sections 202 and 811 PRAC  
Section 202/162 PAC  
Section 221(d)(3) Below Market Interest Rate  
Section 236  
HOPE 2 Home Ownership of Multifamily Units

**Failure to Sign the Consent Form**

Failure to sign any required consent form may result in the denial of assistance or termination of assisted housing benefits. If an applicant is denied assistance for this reason, the O/A must follow the notification procedures in Handbook 4350.3 Rev. 1. If a tenant is denied assistance for this reason, the O/A must follow the procedures set out in the lease.

**Conditions**

No action can be taken to terminate, deny, suspend or reduce the assistance your household receives based on information obtained about you under this consent until the O/A has independently 1) verified the information you have provided with respect to your eligibility and level of benefits and 2) with respect to income (including both earned and unearned income), the O/A has verified whether you actually have (or had) access to such income for your own use, and verified the period or periods when, or with respect to which you actually received such income, wages, or benefits.

A photocopy of the signed consent may be used to request the information authorized by your signature on the individual consent forms. This would occur if the O/A does not have another individual verification consent with an original signature and the O/A is required to send out another request for verification (for example, the third party fails to respond). If this happens, the O/A may attach a photocopy of this consent to a photocopy of the individual verification form that you sign. To avoid the use of photocopies, the O/A and the individual may agree to sign more than one consent for each type of verification that is needed. The O/A shall inform you, or a third party which you designate, of the findings made on the basis of information verified under this consent and shall give you an opportunity to contest such findings in accordance with Handbook 4350.3 Rev. 1.

The O/A must provide you with information obtained under this consent in accordance with State privacy laws.

If a member of the household who is required to sign the consent forms is unable to sign the required forms on time, due to extenuating circum-

stances, the O/A may document the file as to the reason for the delay and the specific plans to obtain the proper signature as soon as possible.

Individual consents to the release of information expire 15 months after they are signed. The O/A may use these individual consent forms during the 120 days preceding the certification period. The O/A may also use these forms during the certification period, but only in cases where the O/A receives information indicating that the information you have provided may be incorrect. Other uses are prohibited.

The O/A may not make inquiries into information that is older than 12 months unless he/she has received inconsistent information and has reason to believe that the information that you have supplied is incorrect. If this occurs, the O/A may obtain information within the last 5 years when you have received assistance.

**I have read and understand this information on the purposes and uses of information that is verified and consent to the release of information for these purposes and uses.**

\_\_\_\_\_  
Name of Applicant or Tenant (Print)

\_\_\_\_\_  
Signature of Applicant or Tenant & Date

**I have read and understand the purpose of this consent and its uses and I understand that misuse of this consent can lead to personal penalties to me.**

\_\_\_\_\_  
Name of Project Owner or his/her representative

\_\_\_\_\_  
Title  
*Shannon Tutor*

Signature & Date  
cc:Applicant/Tenant  
Owner file

**Penalties for Misusing this Consent:**

HUD, the O/A, and any PHA (or any employee of HUD, the O/A, or the PHA) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form.

Use of the information collected based on the form HUD 9887-A is restricted to the purposes cited on the form HUD 9887-A. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or tenant may be subject to a misdemeanor and fined not more than \$5,000.

Any applicant or tenant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the O/A or the PHA responsible for the unauthorized disclosure or improper use.

# FACT SHEET

## For HUD ASSISTED RESIDENTS

### Project-Based Section 8

## “HOW YOUR RENT IS DETERMINED”

Office of Housing

September 2010

*This Fact Sheet is a general guide to inform the Owner/Management Agents (OA) and HUD-assisted residents of the responsibilities and rights regarding income disclosure and verification.*

### Why Determining Income and Rent Correctly is Important

Department of Housing and Urban Development studies show that many resident families pay incorrect rent. The main causes of this problem are:

- Under-reporting of income by resident families, and
- OAs not granting exclusions and deductions to which resident families are entitled.

OAs and residents all have a responsibility in ensuring that the correct rent is paid.

### OAs' Responsibilities:

- Obtain accurate income information
- Verify resident income
- Ensure residents receive the exclusions and deductions to which they are entitled
- Accurately calculate Tenant Rent
- Provide tenants a copy of lease agreement and income and rent determinations Recalculate rent when changes in family composition are reported
- Recalculate rent when resident income decreases
- Recalculate rent when resident income increases by \$200 or more per month
- Recalculate rent every 90 days when resident claims minimum rent hardship exemption
- Provide information on OA policies upon request
- Notify residents of any changes in requirements or practices for reporting income or determining rent

### Residents' Responsibilities:

- Provide accurate family composition information
- Report all income
- Keep copies of papers, forms, and receipts which document income and expenses
- Report changes in family composition and income occurring between annual recertifications
- Sign consent forms for income verification
- Follow lease requirements and house rules

### Income Determinations

A family's anticipated gross income determines not only eligibility for assistance, but also determines the rent a family will pay and the subsidy required. The anticipated income, subject to exclusions and deductions the family will receive during the next twelve (12) months, is used to determine the family's rent.

### What is Annual Income?

Gross Income – Income Exclusions = Annual Income

### What is Adjusted Income?

Annual Income – Deductions = Adjusted Income

### Determining Tenant Rent

### **Project-Based Section 8 Rent Formula:**

The rent a family will pay is the **highest** of the following amounts:

- 30% of the family's monthly *adjusted* income
  - 10% of the family's monthly income
  - Welfare rent or welfare payment from agency to assist family in paying housing costs.
- OR
- \$25.00 Minimum Rent

## **Income and Assets**

HUD assisted residents are required to report **all** income from all sources to the Owner or Agent (OA).

Exclusions to income and deductions are part of the tenant rent process.

When determining the amount of income from assets to be included in annual income, the actual income derived from the assets is included except when the cash value of all of the assets is in excess of \$5,000, then the amount included in annual income is the higher of 2% of the total assets or the actual income derived from the assets.

### **Annual Income Includes:**

- Full amount (before payroll deductions) of wages and salaries, overtime pay, commissions, fees, tips and bonuses and other compensation for personal services
- Net income from the operation of a business or profession
- Interest, dividends and other net income of any kind from real or personal property (See Assets Include/Assets Do Not Include below)
- Full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except for deferred periodic payments of supplemental security income and social security benefits, see Exclusions from Annual Income, below)
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except for lump-sum additions to

family assets, see Exclusions from Annual Income, below Welfare assistance

- Periodic and determinable allowances, such as alimony and child support payments and regular contributions or gifts received from organizations or from persons not residing in the dwelling
- All regular pay, special pay and allowances of a member of the Armed Forces (except for special pay for exposure to hostile fire)
- For Section 8 programs only, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965, shall be considered income to that individual, except that financial assistance is not considered annual income for persons over the age of 23 with dependent children or if a student is living with his or her parents who are receiving section 8 assistance. For the purpose of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

### **Assets Include:**

- Stocks, bonds, Treasury bills, certificates of deposit, money market accounts
- Individual retirement and Keogh accounts
- Retirement and pension funds
- Cash held in savings and checking accounts, safe deposit boxes, homes, etc.
- Cash value of whole life insurance policies available to the individual before death
- Equity in rental property and other capital investments
- Personal property held as an investment
- Lump sum receipts or one-time receipts
- Mortgage or deed of trust held by an applicant
- Assets disposed of for less than fair market value.

### **Assets Do Not Include:**

- Necessary personal property (clothing, furniture, cars, wedding ring, vehicles specially equipped for persons with disabilities)
- Interests in Indian trust land
- Term life insurance policies
- Equity in the cooperative unit in which the family lives
- Assets that are part of an active business
- Assets that are not effectively owned by the applicant



or are held in an individual's name but:

- The assets and any income they earn accrue to the benefit of someone else who is not a member of the household, and
- that other person is responsible for income taxes incurred on income generated by the assets
- Assets that are not accessible to the applicant and provide no income to the applicant (Example: A battered spouse owns a house with her husband. Due to the domestic situation, she receives no income from the asset and cannot convert the asset to cash.)
- Assets disposed of for less than fair market value as a result of:
  - Foreclosure
  - Bankruptcy
  - Divorce or separation agreement if the applicant or resident receives important consideration not necessarily in dollars.

#### **Exclusions from Annual Income:**

- Income from the employment of children (including foster children) under the age of 18
- Payment received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
- Income of a live-in aide
- Subject to the inclusion of income for the Section 8 program for students who are enrolled in an institution of higher education under Annual Income Includes, above, the full amount of student financial assistance either paid directly to the student or to the educational institution
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- Amounts received under training programs funded by HUD
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and

benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS)

- Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program
- Resident service stipend (not to exceed \$200 per month)
- Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs and training of a family member as resident management staff
- Temporary, non-recurring or sporadic income (including gifts)
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era
- Earnings in excess of \$480 for each full time student 18 years old or older (excluding head of household, co-head or spouse)
- Adoption assistance payments in excess of \$480 per adopted child
- Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home

#### **Federally Mandated Exclusions:**

- Value of the allotment provided to an eligible household under the Food Stamp Act of 1977
- Payments to Volunteers under the Domestic Volunteer Services Act of 1973
- Payments received under the Alaska Native Claims Settlement Act
- Income derived from certain submarginal land of the US that is held in trust for certain Indian Tribes

- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program
- Payments received under programs funded in whole or in part under the Job Training Partnership Act
- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians
- The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the US. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands
- Payments received from programs funded under Title V of the Older Americans Act of 1985
- Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent-product liability litigation*
- Payments received under the Maine Indian Claims Settlement Act of 1980
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990
- Earned income tax credit (EITC) refund payments on or after January 1, 1991
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation
- Allowance, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990
- Any allowance paid under the provisions of 38U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran
- Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act
- Allowances, earnings and payments to individuals participating under the Workforce Investment Act of 1998.

## Deductions:

- \$480 for each dependent including full time students or persons with a disability
- \$400 for any elderly family or disabled family
- Unreimbursed medical expenses of any elderly family or disabled family that total more than 3% of Annual Income
- Unreimbursed reasonable attendant care and auxiliary apparatus expenses for disabled family member(s) to allow family member(s) to work that total more than 3% of Annual Income
- If an elderly family has both unreimbursed medical expenses and disability assistance expenses, the family's 3% of income expenditure is applied only one time.
- Any reasonable child care expenses for children under age 13 necessary to enable a member of the family to be employed or to further his or her education.

## Reference Materials

### Legislation:

- Quality Housing and Work Responsibility Act of 1998, Public Law 105-276, 112 Stat. 2518 which amended the United States Housing Act of 1937, 42 USC 2437, et seq.

### Regulations:

- General HUD Program Requirements; 24 CFR Part 5

### Handbook:

- 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs

### Notices:

**“Federally Mandated Exclusions” Notice 66 FR 4669, April 20, 2001**

### For More Information:

Find out more about HUD's programs on HUD's Internet homepage at <http://www.hud.gov>



# RESIDENT RIGHTS & RESPONSIBILITIES



## OFFICE OF MULTIFAMILY HOUSING PROGRAMS

This brochure applies to assisted housing programs administered by the Department of Housing and Urban Development (HUD), Office of Multifamily Housing Programs. This brochure does not apply to the Public Housing Program, the Section 8 Moderate Rehabilitation Program or the Housing Choice Voucher Program.

# AS A RESIDENT, YOU HAVE RIGHTS AND RESPONSIBILITIES THAT HELP MAKE YOUR HUD-ASSISTED HOUSING A BETTER HOME FOR YOU AND YOUR FAMILY.

This brochure is being distributed to you because the United States Department of Housing and Urban Development (HUD), which regulates the property in which you live, has provided some form of assistance or subsidy for your apartment. The brochure briefly lists some of the most important rights and responsibilities to help you get the most out of your home.

As part of its dedication to maintaining the best possible living environment for all residents, your local HUD office encourages and supports the following:

- Property management agents and property owners communicating with residents on any relevant issues or concerns
- Property managers and property owners giving prompt consideration to all valid resident complaints and resolving them as quickly as possible
- Your right to file complaints with management, owners, or government agencies without retaliation, harassment or intimidation
- Your right to organize and participate in certain decisions regarding the well-being of the property and your home
- Your right to appeal a decision made by the local HUD office to the Office of Asset Management and Portfolio Oversight at HUD Headquarters

Along with the owner/management agent, you play an important role in making your apartment, the grounds, and other common areas a better place to live.



# YOUR RIGHTS

As a resident of a HUD-assisted multifamily housing property, you should be aware of your rights.

## **Rights: *Involving Your Apartment***

- The right to live in decent, safe, and sanitary housing that is free from deteriorating paint and environmental hazards, including lead-based paint hazards.
- The right to receive a lead disclosure form disclosing the landlord's knowledge of any lead-based paint or lead-based paint hazards, available records and reports, and a lead hazard information pamphlet before you are obligated under your lease.
- The right to have repairs performed in a timely manner, upon request.
- The right to be given reasonable notice, in writing, of any non-emergency inspection or other entry into your apartment.
- The right to protection from eviction except for specific causes stated in your lease.
- The right to request that your rent be recalculated if your income decreases.
- The right to access your tenant file.

## **Rights: *Involving Resident Organizations***

- The right to organize as residents without obstruction, harassment, or retaliation from property owners or management.
- The right to provide leaflets and post materials in common areas informing other residents of their rights and opportunities to involve themselves in their property.
- The right to be recognized by property owners/management company as having a voice in residential community affairs.
- The right to use appropriate common space or meeting facilities to organize (this may be subject to a reasonable, HUD-approved fee).
- The right to meet without representatives or employees of the owner/management company present.



### **Rights: *Involving Nondiscrimination***

The right, under the Fair Housing Act of 1968 and other civil rights laws, to equal and fair treatment and use of your building's services and facilities, without regard to race, color, religion, sex, disability, familial status (having children under 18) or national origin (ethnicity or language). Residents with disabilities are also reserved the right to reasonable accommodations. In some cases, the prohibition against age discrimination under the Age Discrimination Act of 1975 may also apply.

In addition, residents have the right, under HUD's Equal Access Rule, to equal access to HUD programs without regard to a person's actual or perceived sexual orientation, gender identity, or marital status.

## **YOUR RESPONSIBILITIES**

As a resident of a HUD-assisted multifamily housing property, you also have certain responsibilities to ensure that your building remains a suitable home for you and your neighbors. By signing your lease, you, the owner, and the management company have entered into a legal, enforceable contract. You are responsible for complying with your lease, house rules, and local laws governing your property. If you have any questions about your lease or do not have a copy of it, contact your property management company or the local HUD office. You should be aware of the following responsibilities:

### **Responsibilities: *To Your Property Owner or Management Company***

- Complying with the rules and guidelines that govern your lease.
- Paying the correct amount of rent on time each month.
- Providing accurate information to the owner/management agent's company at the certification or recertification interview to determine your total tenant payment, and consenting to the release of information by a third party to allow for verification.
- Reporting changes in the family's income or composition to the owner/management company in a timely manner.

### **Responsibilities: *To the Property and Your Fellow Residents***

- Complying with rules and guidelines that govern your lease.
- Conducting yourself in a manner that will not disturb your neighbors.



- Not engaging in criminal activity in your apartment, common areas or grounds.
- Keeping your apartment reasonably clean, with exits and entrances free of debris, clutter or fire hazards and not littering the grounds or common areas.
- Disposing of garbage and waste in the proper manner.
- Maintaining your apartment and common areas in the same general physical condition as when you moved in.
- Reporting any apparent environmental hazards to the management company (such as peeling paint (which is a hazard if it is a lead-based paint) and any defects in building systems, fixtures, appliances, or other parts of the apartment, the grounds, or related facilities.

## **YOUR RIGHT TO BE INVOLVED**

### **In Decisions Affecting Your Home**

As a resident in HUD-assisted multifamily housing, you play an important role in decisions that affect your community. Different HUD programs provide for specific resident rights. You have the right to know under which HUD program your building is assisted. To find out if your apartment building is covered under any of the following programs, contact your management company, Section 8 Contract Administrator, or the HUD office nearest you. If your building was funded or currently receives assistance under HUD's Rental Assistance Demonstration (RAD), Section 236 (including the Rental Assistance Program (RAP), Section 221(d) (3)/below market interest rate (BMIR), Section 202 Direct Loan, Rent Supplement, Section 202/811 Capital Advance programs, 811 (Project Rental Assistance), or is assisted under any applicable project-based Section 8 program (except for the Section 8 Moderate Rehabilitation program), you have the right to be notified of or, in some instances, to comment on the following:

- Nonrenewal of a project based Section 8 contract at the end of its term
- An increase in the maximum permissible rent
- Conversion of a project from project-paid utilities to tenant-paid utilities
- A proposed reduction in tenant utility allowance
- Conversion of residential apartments in a multifamily housing property to nonresidential use or to condominiums, or the transfer of the housing property to a cooperative housing mortgagor corporation or association



- Transfer of the project-based Section 8 contract in your property to one or more buildings at other locations
- Partial release of mortgage security
- Capital improvements that represent a substantial addition to the property
- Prepayment of mortgage (if prior HUD approval is required before owner can prepay)
- Other actions identified by the Uniform Relocation Act that could ultimately lead to involuntary, temporary or permanent relocation of residents
- If you live in a building that is owned by HUD and is being sold, you have the right to be notified of and comment on HUD's plans for disposing of the building.

## **ELIGIBILITY FOR ENHANCED VOUCHERS**

If your apartment is assisted under a project-based Section 8 contract that is ending, and if the owner decides not to renew it, the owner is required by law to notify you in writing of that decision at least one year before the contract expires. Under these circumstances, you may be eligible for an Enhanced Voucher (EV), which would give you the right to remain in an apartment at your property, provided that you are in compliance with your lease and the property remains as rental housing. HUD will select a local Public Housing Agency (PHA) to provide an EV for eligible families who decide to remain at the property and to administer this assistance.

If you decide to remain at your property using an EV, a higher payment standard will be used to determine the amount of Section 8 assistance that is paid on your behalf, if the gross rent for the apartment is more than the PHA's payment standard. However, the PHA must determine that the rent the owner charges for your apartment is reasonable, and you must continue paying at least the amount of rent that you were previously paying.

If you are eligible for an EV, you can instead choose to move out of the property and use the voucher to rent an apartment anywhere in the United States where the owner will accept the voucher and the rents are in an allowable range, subject to approval. If you move out, however, the voucher is no longer "enhanced," and the amount of Section 8 assistance that is paid on your behalf will be based on the PHA's normally applicable payment standard.





## ADDITIONAL ASSISTANCE

### For additional help or information, you may contact:

- Your property owner or the management company
- The Account Executive for your property in HUD's Multifamily Regional Center or Satellite Office. Refer to on-line resources for contact information
- HUD's National Multifamily Housing Clearinghouse at 1-800-685-8470 to report maintenance or management concerns
- HUD's Office of Fair Housing and Equal Opportunity at 1-800-669-9777, if you believe you have been discriminated against
- HUD's Office of Inspector General Hot Line at 1-800-347-3735 to report fraud, waste, or mismanagement
- HUD's Housing Counseling Service locator at 1-800-569-4287 for the housing counseling agency in your community
- The HUD-EPA National Lead Information Center 1-800-424-LEAD
- Your local government tenant/landlord affairs office, legal services office, or tenant organizations to obtain information on additional rights under local and state law

If appealing a local HUD Office decision, you may contact the Director of the Office of Asset Management and Portfolio Oversight in Washington, DC at 202-708-3730.

Persons who are deaf or hard of hearing or have speech disabilities may reach the numbers above through the Federal Relay (FedRelay) teletype (TTY) number, 800-877-8339, or by other methods shown at [www.gsa.gov/fedrelay](http://www.gsa.gov/fedrelay).

### ON-LINE RESOURCES:

- Department of Housing and Urban Development website: [www.hud.gov](http://www.hud.gov)
- The local HUD Field Offices: <http://www.hud.gov/local> *Note: To locate your local field office, select: Contact My Local Office (under the I Want To section)*



**U.S. Department of Housing and Urban Development**  
Office of Multifamily Housing Programs  
**Washington, DC 20410-0002 Official Business**  
**Penalty for Private Use \$300**



This brochure about your rights and responsibilities as a resident of HUD assisted multifamily housing is available in 13 alternate languages in addition to English and Braille. To determine if your language is available, please contact HUD's National Multifamily Housing Clearinghouse at 1-800-685-8470 or visit <http://www.hud.gov/offices/ftheo/lep.xml>

# RESIDENT SELECTION GUIDELINES

## Jackson House Apartments

The Jackson House Apartments is located in Paducah, Kentucky. Jackson House Apartments consist of 238 one bedroom apartments. Jackson House Apartments is designated for occupancy of Elderly Families or Disabled Families. The definition of Elderly family as defined by HUD; A family whose head or spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are 62 years of age living with one or more live-in aides. The definition of a Disabled Family, as defined by HUD; a disabled family whose head, spouse, or sole member is a person with disabilities. It may include one or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides. The economic income limits are low, very low and extremely low for Jackson House Apartments. Additionally, Jackson House is a Low Income Housing Tax Credit property which sets income limits at 60% of the Area Gross Median Income (AGMI) for McCracken County. All written correspondence is to be addressed to Travis Yates, CEO, Beacon Property Management, or call the office at 502-634-9830.

### 1. FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS STATEMENTS OF NONDISCRIMINATION

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

The Property shall not discriminate because of race, color, sex, familial status, religion, handicap, disability, sexual orientation, or national origin in the leasing, rental, or other disposition of housing in any of the following:

- a. Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs,
- b. Provide housing which is different than that provided others,
- c. Subject a person to segregation or disparate treatment,
- d. Restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- e. Treat a person differently in determining eligibility or other requirements for admission,
- f. Deny a person access to the same level of services, or
- g. Deny a person the opportunity to participate in a planning or advisory group, which is an integral part of the housing program.

The Owner/Agent ensures that HUD's housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with The Equal Access Rule.

The Property will seek to identify and eliminate situations or procedures, which create a barrier to equal housing opportunity for all. In accordance with Section 504, the Property will make reasonable accommodations for individuals with handicaps or disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services.

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

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

## **2. PRIVACY POLICY**

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

Therefore, neither the Property nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

This Privacy Policy in no way limits the Property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner.

## **3. QUALIFYING FOR ADMISSION**

Based on Federal Regulations, the Property may not admit ineligible applicants. In the selection of applicants for admission, Eligibility Criteria has been established in accordance with HUD guidelines. All applicants will be screened carefully and the following eligibility standards will be applied:

In order to be ELIGIBLE, a household must meet the following tests:

- a. Must have previously demonstrated an ability to pay rent and adhere to a Lease;
- b. Must have an Annual Income at or below program income limits;
- c. Applicants must disclose social security numbers (SSN's) in order for the owner to make an eligibility determination.

The head of household/spouse/co-head must disclose Social Security Numbers for each household member, if no Social Security Number assigned they must sign certification stating that no SSN has been assigned.

- d. Applicants must disclose social security numbers for all household members regardless of age and provide proof of the numbers reported. When an applicant has a social security number (SSN), but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate, but that acceptable documentation could not be provided.

a) When a household member is Under the Age of Six without an Assigned SSN:

- (1) The tenant must disclose and provide verification of the new household member's SSN within 90 calendar days of the child being added to the household.

- (2) The owner will grant an extension of one additional 90-day period, if the owner, in its discretion, determines that the tenant's failure to comply is due to circumstances that could not have been foreseen and were beyond the tenant's control.
- (3) A child under the age of 6 years added to an 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 adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner agent terminate tenancy.

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

Owners must accept the certification and continue to process the individual's application.

However, an applicant may not become a participant in the program unless the applicant submits the required SSN documentation to management within ninety (90) days from the date the applicant was offered an available unit.

Management must accept an applicant's certification of the SSN and continue to process the application. If management determines the applicant is otherwise eligible for admission to the property, and the only outstanding verification is that of the SSN, the top of the waiting list applicant will then have 90 days from the date the unit was offered to provide acceptable documentation for all household members. Management will move to the next eligible applicant on the waiting list. The applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation. After 90 days, if the applicant has been unable to supply the required SSN documentation, the applicant should be determined ineligible and removed from the waiting list.

Exempt Individuals: The SSN requirements do not apply to those individuals who do not contend eligible immigration status or individuals age 62 and older as of January 31, 2010 whose initial determination of eligibility was begun before January 31, 2010. The eligibility determination is based on participation in either is based on participation in either a Public, Indian Housing or HUD assisted program. The eligibility date is based on the initial effective date of the HUD form 50059.

### **Implementation of HUD'S Enterprise Income Verification System**

All applicants MUST disclose if they are currently receiving HUD housing assistance. Jackson House Apartments will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides Jackson House Apartments with information about an applicant's current status as a HUD housing assistance recipient. Jackson House Apartments will use the

Enterprise Income Verification System (EIV), Existing Tenant Search to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

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

- 1). Minor children where both parents share 50 % custody
- 2). Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the in the original unit

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

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

In addition, EIV provides the Jackson House Apartments with income discrepancies if the information provided in required documents differs from information provided by various government databases such as data provided by the Social Security Administration and data provided by the Department of Health and Human Services. Jackson House Apartments will submit income information at move in and will review any income discrepancies provided by EIV. If any household member provides false information, it is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges. We have included a copy of the EIV and You Brochure provided by the Department of Housing and Urban Development. We encourage you to review the information provided in this brochure and to contact the management office if you have any questions.

The Social Security Number provided will be compared to the information recorded in the Social Security Administration database (through HUD'S Enterprise Income Verification System) to ensure that the Social Security Number, birth date and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD. If the applicant/resident deliberately provides an inaccurate Social Security Number, Jackson House Apartments and/or HUD may pursue additional penalties due to attempted fraud.

e. The household size must be appropriate for the available apartments;

Occupancy Standards: Applicants must meet the established occupancy standards. As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management shall take into consideration mitigating circumstances in cases where applicants or residents have a verifiable need for a larger unit.

Any family placed in a unit size different than that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available (in accordance with the Transfer Policy and Lease Addendum).

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

<u>Bedroom Size</u>	<u>Persons per Household</u>	<u>Maximum</u>
1	1	2

- f. Restriction on Assistance to Noncitizens – Only U. S. citizens and eligible noncitizens may benefit from federal rental assistance. The requirements apply to families making application to the property, families on the waiting list, and tenants. Assistance in subsidized housing is restricted to the following:  
 Must have citizenship, naturalization, and/or eligible immigration status;  
 U. S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD.

All applicants for assistance must be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application. Management must arrange to provide the notice in a language that is understood by the applicant if the person is not proficient in English. Interpreter Services will be made available by Management when needed.

All family members, regardless of age, must declare their citizenship or immigration status.

Non-citizens (except those 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Non-citizens age 62 and older must sign a declaration of eligible immigration status and provide a proof-of-age document. U. S. citizens must sign a declaration of citizenship. Management may establish a policy of requiring additional proof of citizenship for those declaring to be U. S. citizens or nationals.

A mixed family – a family with one or more ineligible family members and one or more eligible members – may receive pro-rated assistance, continued assistance, or a temporary deferral of termination of assistance.

Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. This prohibition applies to the non-citizen student’s non-citizen spouse and children. However, spouses and children who are citizens may receive assistance. For example, a family that includes a non-citizen student married to a U. S. citizen is a mixed family.

- g. Must not have a criminal background that falls in the following Criminal Activity:

Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.

Illegal Drug Use: If the applicant or any household member is currently engaged in illegal use of a drug OR shows a pattern of illegal use that may interfere with the health, safety, or right to peaceful enjoyment by other residents, the application will be rejected.

Alcohol Abuse: If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.

Sex Offenders: If the applicant or any household member has a conviction or adjudication other than acquittal, for any sexual offense, the application will be rejected.

h. Eligibility of Students in Federally Assisted Section 8 Housing

When determining if a household is Section 8 eligible, management will factor in whether the household contains a student, and if the household does contain a student, determine if the student meets the eligibility rule.

HUD's definition of an eligible student is defined as any individual over the age of 24 who is enrolled full or part-time at an institution of higher education.

A student is eligible if he or she is a veteran, is married, or has a child or is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:

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

If the student does not meet any of the criteria, then the student must meet an additional two-part test to be Section 8 eligible. In the first part, the student must be eligible for Section 8 assistance, and second, the student's parents individually or jointly, must be eligible for Section 8 assistance unless the student can demonstrate his or her independence from the parents.

If both are eligible, the household is student eligible. If the student is eligible, but the parents are not, determination will be made if the student has established independence



from the parents. If the student demonstrates independence, the household is student eligible.

If the student and the parents are not Section 8 eligible, then eligibility is denied. If the student is eligible, but the parents are not, and the student cannot demonstrate independence from the parents, eligibility is denied.

For an individual to be considered independent from parents, the individual must:

Be of legal age under state law, have established a household separate from the parents or legal guardians for at least one year prior to application for occupancy OR the individual must meet the U. S. Dept. of Education's definition of an independent student, and not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations, and obtain a certification of the amount of financial assistance that will be provided by the parents, signed by the person providing the support.

When verifying independence, previous address verification to determine evidence of a separate household will be performed, or verify the individual meets the D.O.E. definition of a student. The review of the parent's income tax return will be conducted to verify that the student was not claimed on the parent's tax return.

Financial aid in excess of tuition and other required fees will be counted as income on the HUD Form 50059. The exception to counting this income is if the student is over 23 **AND** has dependents.

An annual recertification will be conducted to determine Section 8 eligibility and if the household does not meet the eligibility requirements, Section 8 assistance will be terminated.

On July 27, 2006 President Bush signed into law an amendment that exempts college students with disabilities from the restriction of providing Section 8 rental assistance to college students, if the student with the disability was receiving the assistance as of November 30, 2005.

**Being eligible, however, is not an entitlement to housing.** In addition, every applicant must meet the Resident Selection Guidelines. The Resident Selection Guidelines are used to demonstrate the applicant's suitability as a resident using verified information on past behavior, to document the applicant's ability, either alone or with assistance, and to comply with essential lease provisions and any other rules and regulations governing residency.

#### **4. APPLICATION INTAKE AND PROCESSING**

It is the Property's policy to accept and process applications in accordance with applicable HUD Handbooks and Regulations when applicable.

All applications are taken at the management office located at *Jackson House Apartments*. All 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 (for example, medical emergencies or extreme weather conditions).

Every application must be completed and signed by the head of the household, spouse, and every adult household member 18 years and older. All other members of the household will be listed on the Application. Staff assistance might take the form of answering questions about the Application, helping applicants who might have literacy, vision, or language challenges, and, in general, make it possible for interested parties to apply for assisted housing.

### **Current Status as a HUD recipient**

All applicants must disclose if they are currently receiving HUD housing assistance. Management will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

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

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

1. Minor Children where both parents share 50% custody
2. Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the unit.
3. Recipient of a Voucher can be accepted on a 236 program.

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

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

### **Sources of Verifications:**

**The Enterprise Income Verification System provided by HUD  
The Department of Housing and Urban Development (HUD)  
The Department of Health and Human Services (HHS)  
The Social Security Administration (SSA)  
Medicare/Medicaid**

Management will provide reasonable accommodation to persons with disabilities, who as a result of their disability can not utilize the owners preferred application process by providing alternate methods.

During the screening process, if the applicant is a person with disabilities, management will consider extenuating circumstances where this would be required as a matter of reasonable accommodation.

## **5. PRIORTIES FOR ACCESSIBLE OR ADAPTABLE APARTMENTS**

For apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, households containing at least one person with such impairment will have first priority (as applicable for a particular apartment feature). NOTE: Current residents in good standing, requiring accessible/adaptable apartments, shall be given priority over applicants requiring the same type apartment. Where persons without disabilities are moved into apartments designed to meet special needs, they shall do so only after agreeing to move to an

apartment with no such design features should an applicant or current resident require an accessible apartment of the type currently occupied by the persons without disabilities.

## **6. WAITING LIST SELECTION PROCEDURES**

NOTE: Current residents, in good standing, who may qualify for rental assistance or who meet the qualifications listed in the Transfer Policy for transfer to a different unit shall be given priority over applicants. It is likely that there will be more applicants for housing than can be assisted. In order to select those families most in need of housing, the following categories will be the basis of selecting residents from among all applicants:

- a. Handicapped or disabled eligible families when units are designated for their use.
- b. Forty percent (40%) of all available (moved-out) units will be set aside for families whose total gross family income does not exceed 30% of the area median income as established by HUD.
  1. Applicants will be taken from the waiting list in order EXCEPT, if, at any time, the admission of the next applicant on the waiting list would cause the property to fall below the 40% under 30% requirement, the next applicant who meets the under 30% income level requirement will be moved to the top of the list and admitted. This testing procedure will be applied to all admissions during the year and records regarding this procedure will be kept on an annual basis and in the rental office. The determination of compliance will be made annually and the documentation will be kept on file in the rental office.
  2. Marketing of these units will be targeted towards potential residents who have incomes that do not exceed 30% of the area median income.
- c. Within each of the above listed groups, approved applicants will be housed based solely on the date and time of application.

## **7. WAITING LIST MANAGEMENT**

It is the policy of Management to administer its Waiting List as required by HUD handbooks and regulations.

### **a. Opening and Closing Waiting Lists**

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

If Property has sufficient applications, it may elect to:

- 1) Close the Waiting List completely,
- 2) Close the Waiting List during certain times of the year, or

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of apartment and the ability of Property to house an applicant in an appropriate apartment within a reasonable period of time. Closing the Waiting Lists, restricting intake, or opening the Waiting Lists will be publicly announced. Property will use a one-year waiting period to determine whether the Waiting List may be closed. During the period when the Waiting List is closed, Property will not maintain a list of individuals who wish to be notified when the Waiting List is reopened.

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

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

To the extent the verification determines the household does now qualify for a Priority, they will be moved up on the Waiting List in accordance with the Priority and their date of application.

c. Removal of Applications from the Waiting List

Property will not remove an applicant's name from the Waiting List unless:

- 1) The applicant requests that the name be removed,
- 2) The applicant was clearly advised, in writing, of the requirement to tell Property of his/her continued interest in housing by a particular time and failed to do so,
- 3) Property made a reasonable effort, in writing, to contact the applicant to determine if there was continued interest in housing but has been unsuccessful, or
- 4) Property has notified the applicant, in writing, of its intention to remove the applicant's name, because the applicant no longer qualifies for assisted housing, or
- 5) Applicant refused offer of unit for other than medically related reason.

## **8. INTERVIEWS AND VERIFICATION PROCESS**

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

No decisions to accept or reject applications shall be made until all information presented by the applicant on the Application has been verified.

## **9. VERIFICATION REQUIREMENTS**

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

a. Types of Verification Required

All information relative to the following items must be verified as described in these procedures:

- 1) Eligibility for Admission, such as
  - a) Income, assets, and asset income
  - b) Household composition
  - c) Social Security Numbers of household members age 6 and older or Certification that Social Security has not been assigned
  - d) Citizenship and/or legal status
- 2) Allowances, such as

- a) Age, disability, or handicap of household members
- b) Full time/Part time student status
- c) Child care costs
- d) Handicap expenses
- e) Medical costs (for elderly/handicap households only)
- 3) Priorities, such as
  - a) Income less than 30% of median income limits
- 4) Compliance with Resident Selection Guidelines, such as
  - a) Proof of ability to pay rent
  - b) Previously demonstrated adherence to Lease
  - c) Positive prior landlord reference, rent paying, caring for a home
  - d) History of criminal activity of any household member
- 5) Credit checks will be processed through approved credit bureaus with an approved credit rating. Exceptions include:
  - a) Medical collections.
  - b) Proof of satisfactory dispute of credit rating.
  - c) Applicant shows period of credit problems, which have been corrected.
  - d) Applicant has proof of repayment of debt. Proof must be a statement of satisfaction from creditor, court, or other legal proof.
- 6) Special Program Requirements, such as
  - a) Special needs housing based on disability

All the above information must be documented and appropriate verification forms or letters placed in the applicant or resident file.

b. Period for Verification

Only verified information that is less than 120 days old may be used for verification or recertification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

c. Forms of Verification - documentation required, as part of the verification process, may include:

- 1) Checklists completed as part of the interview process and signed by the applicant
- 2) Verification forms completed and signed by third parties
- 3) Reports of interviews
- 4) Documentation, i.e., award letters, pay stubs, bank statements, etc
- 5) Notes of telephone conversations with reliable sources
- 6) Facsimile, email and Internet

At a minimum, such reports will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

Management staff will be the final judge of the credibility of any verification submitted by an applicant. If the staff considers documentation to be doubtful, it will be reviewed by Management staff that will make a ruling about its acceptability. Management staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

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

- 1) The applicant by means of interviews

- 2) Present and former housing providers
  - 3) Present and former employers
  - 4) Credit checks and management record services
  - 5) Social workers, parole officers, court records, drug treatment centers, physician, clergy, INS
  - 6) Law enforcement
- e. Preferred Forms of Verification - Verifications shall be attempted in the following order:
- 1) Third-party written
  - 2) Third-party oral with a record kept in the files
  - 3) Copies of third party documents provided by the household (i.e. Social Security or agency printouts, award letter, pay stubs, bank statements, pharmacy printouts, payment book stubs for medical insurance premium, etc.)
  - 4) 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.

#### **10. 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:

- 1) Income, assets, household composition
- 2) Social Security Numbers
- 3) Preferences and priorities
- 4) Allowances
- 5) Previous residence history or criminal history
- 6) Citizenship, naturalization, and/or eligible immigration status

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

#### **11. DETERMINATION OF APPLICANT ELIGIBILITY**

Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD and property eligibility requirements.

#### **12. DETERMINATION OF APPLICANT QUALIFICATION**

The Applicant Screening Policy

All applicants for HUD regulated housing will be screened according to the criteria set forth in these Resident Selection Guidelines. The following guidelines, which are based on those set forth in the HUD Regulations, relate to the individual behavior of each applicant household:

- 1) Past performance in meeting financial obligations, especially rent.
- 2) A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents or cause damage to the apartment or community.
- 3) Involvement in criminal activity on the part of any applicant household member, which would adversely affect the health, safety, or welfare of other residents.

- 4) A record of eviction from housing or termination from residential programs.
- 5) An applicant's ability and willingness to comply with the terms of the Property's Lease and community's policies.
- 6) An applicant's misrepresentation of any information related to eligibility, allowances, household composition, or rent.

### 13. How Applicant's History will be checked

Listed below are the methods by which every applicant's performance, relative to each of the five criteria, will be checked:

- 1) Past performance meeting financial obligations, especially rent:
  - a) Contacting the current landlord and at least one prior landlord. The Landlord Verification Form will be used to gather previous rental history information.
  - b) The reason for checking with prior housing providers is that current housing providers of dangerous, destructive, or costly applicants may misrepresent information about them to get the Property to take over their problems. Contacts with all prior housing providers for at least the past five (5) years are to be pursued.
  - c) If verified records of timely rental payments are received from management, no further documentation of past performance in meeting financial obligations, especially rent, need to be collected.
 

**Otherwise** eligible households who apply for housing with outstanding balances owed to the Property must pay any balance owed within 120 days of filing an application prior to being placed on the Waiting List. Failure to pay within the allotted time will result in the application being rejected.
- 2) Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents:
  - a) Staff will check for these potential problems with the current management and at least one former management using the Landlord Verification Form.
  - b) If the applicant is not currently living under a lease with a management, the housing provider will be asked to verify the applicant's ability to comply with Property lease terms as it relates to these guidelines. Any area for which the applicant has upkeep responsibility will be inspected.
  - c) An applicant's behavior toward Property Manager will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward Property Staff will be noted in the file.
- 3) Involvement in criminal activity on the part of any applicant household member, which would adversely affect the health, safety, or welfare of other residents. Criminal history checks of convictions and outstanding warrants with local, state and possibly federal authorities.
- 4) A record of eviction from housing or termination from residential programs will be considered:
  - a) Property Manager will check Property records, management records, and other records to determine whether the applicants have been evicted from the Property, any other assisted housing or any other property in the past

- b) Records of evictions from residential programs will be checked with service agencies and with any housing providers referred by the applicant
  - c) Circumstances of any past eviction or termination in determining its relevance to Property tenancy.
- 5) Ability and willingness to comply with the terms of the Lease & Community Policies:
- a) If an applicant is able to document that he/she is complying with Lease terms and Community Policies in current and former residences, through a combination of management references and the home visit, if applicable, this criterion will be considered to have been satisfied.
- 6) An applicant's misrepresentation of any information related to eligibility, award of priority for admission, allowances, household composition, or rent.
- a) If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about his/her current situation, criminal history, or behavior in a manner that would affect eligibility, Federal preferences, priorities, application selection criteria qualification, allowances, or rent, the application shall be rejected.

#### **14. Obtaining Applicant Releases**

When applicants are interviewed prior to the eligibility and reference determination, all adult household members must sign the necessary releases required for gathering information needed to determine eligibility.

#### **15. Review of Recommendations for Admission or Rejection**

- a) If the applicant requests an additional interview to determine whether mitigating circumstances or reasonable accommodations would make it possible to accept his/her application, Management will do so based on Section 504 of the Rehabilitation Act of 1973.
- b) If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is ineligible, rejection shall be authorized.
- c) Management will follow the grievance process in compliance with requirements set forth in the HUD Handbook 4350.3

#### **16. Applicants with Disabilities or Handicaps**

Management must consider whether to reconsider a rejection of an applicant if he/she has a disability and the reasons for the rejection could be overcome by management's reasonable accommodation of the applicant's disability. 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]. The disability must have a direct correlation to the reason the applicant would be rejected. The applicant must request the 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 are where the 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.

- 1) 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 administrative burden to management.

## 17. REJECTION OF INELIGIBLE OR UNQUALIFIED APPLICANTS

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

- a. **Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government assisted dwelling unit.
- b. **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.
- c. **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors.
- d. **Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
- e. **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.
- f. **Owing Utility Providers:** Applicants who owe a balance to the local utility provider for present or prior residences will not be allowed admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have changed sufficiently to enable the family to pay and maintain utilities in the name of the head of household.
- g. **Unsanitary or Hazardous Housekeeping:** Includes generally creating any health or safety hazard through acts of neglect and causing or permitting any damage to or misuse of premises and equipment, if the family is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems

or in damage to the premises.

- h. **Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicate the family will be unable or would otherwise fail to pay when due rent for the apartment and other expenses relating to occupancy of the apartment.
- i. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are as follows:
  - a. Any conviction or adjudication other than acquittal within ten (10) years, which involved injury to a person or property.
  - b. Any conviction or adjudication other than acquittal within ten (10) years for the sale, distribution or manufacture of any controlled or illegal substance.
  - c. Any conviction or adjudication other than acquittal within ten (10) years involving illegal use or possession of any controlled or illegal substance.
  - d. Any current illegal user or addict of a controlled or illegal substance.
  - e. Any act which results in the person's tenancy constituting a threat to the health or safety of other individuals, result in substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.
  - f. Any conviction or adjudication other than acquittal, for any sexual offense. The required screening for lifetime sex offender registration will be performed at application in-take and at every annual recertification. This will be checked in all states an applicant has resided. Management will run this report nationwide. The applicant must disclose all states in which they have resided. If during the recertification process, we discover anyone in the household has been placed on the lifetime sex offender registry; legal proceedings will begin to terminate the tenancy.
  - g. Any conviction or adjudication other than acquittal, which involved bodily harm to a child.
  - h. Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.
  - i. Alcohol Abuse: If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.

**Management reserves the right to require criminal background checks at any time during residency if in receipt of credible and verifiable information. Jackson House Apartments will conduct a Lifetime Sexual Offender search during each Annual Recertification process.**

## **18. ACCEPTANCE AND MOVE-IN OF ELIGIBLE AND QUALIFIED APPLICANTS**

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

## **19. Offering an Apartment**

When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the Waiting List for that apartment type. If the applicant cannot be contacted within five (5) working days, the offer will be cancelled and the apartment will be offered to the next applicant on the Waiting List.

In that event, the first applicant will be sent a letter requesting confirmation of its interest in remaining on the Waiting List. If the applicant replies affirmatively, its application will retain its position on the Waiting List. If the reply is negative, or if no reply is received within five (5) working days, the application will be withdrawn.

If an applicant rejects an offer twice, the applicant is removed from the Waiting List.

### **Preferences**

Those who have been displaced or will be involuntarily displaced as a result of one or more of the following actions: Statutory Preference as defined:

- a. Displacement as a result of Government action or a presidentially declared disaster.
- b. Action by a housing owner resulting in an applicant having to vacate their living accommodation when the owner's action is beyond the applicant's control.

The preference status will be verified at the time of application processing and again at the time of admission. Any applicant qualifying for a preference will be placed on a priority status based on date and time the application was received

## **20. Prior to Move-In**

- 1) Management will explain the HUD regulations regarding the following:
  - a) Security deposits
  - b) Annual recertification
  - c) Interim recertification
  - d) Unit inspections
  - e) Community policies
  - f) Transfer policy
- 2) All adult members, age 18 and older, of the household will sign the Lease, Community Policies, and related documents.
- 3) The applicant and management will inspect the apartment and sign the Move-In Inspection form.
- 4) The applicant will pay the Security Deposit.
- 5) The applicant will pay the rent for the first month, as set forth in the Lease.
- 6) The applicant will be given a copy of the Lease, the Move-In Inspection form, Community Policies, and the receipt for the Security Deposit and first month's rent.

## **21. Transfer Policy**

- 1) The following reasons for transfer will be reviewed and may be granted:
  - A) Because of a Reasonable Accommodation due to a disability of a household member, a household may require an apartment that is larger than the apartment size provided in the property's Occupancy Guidelines.

- B) A change in the household size requiring an increase or decrease in the apartment size to accommodate the new household size.
  - C) An emergency transfer request as outlined in the VAWA emergency transfer plan.
- 2) Residents requesting transfers for the above reasons will be placed on a transfer list based on apartment size requested.
  - 3) Residents with a disability (ies) will be given priority for an apartment with accessible features.
  - 4) Transfers should occur after the completion of the initial lease term (except if based on accessibility needs), and are limited to two days, one to move out of the current apartment, and one to move into the new apartment.
  - 5) When a household transfers to a new apartment, management will:
    - A) Transfer the existing deposit.

If a transfer is requested for any reason other than medical or to accommodate a change in family composition, the resident will be required to pay a \$300.00 nonrefundable transfer fee.

NOTE: Current residents, in good standing, who may qualify for rental assistance or who meet the qualifications listed in the Transfer Policy for transfer to a different unit shall be given priority over applicants.

## **22. REASONABLE ACCOMMODATION AND MODIFICATION POLICY**

It is the policy of Beacon Properties pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities. The Property will seek to identify and eliminate situations or procedures, which create a barrier to equal housing opportunity for all. In accordance with Section 504, the Property will make reasonable accommodations for individuals with handicaps or disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services.

In reaching a reasonable accommodation with, or performing structural modification for otherwise qualified individuals with disabilities, the Property are not required to:

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

**23. At Move-In** - Keys to the apartment will be issued to the household. After move-in, periodic inspections will be completed as well as annual and interim certifications will be completed

**24. Failure to Move-In On Time**

If a household fails to move in on the agreed date, the application will be declined and the apartment will be offered to the next household on the Waiting List.

**25. Apartment Inspections**

All apartments must undergo a move-in and move-out inspection by the on-site management team. These inspections include not only interior but also exterior inspections. There will be an annual inspection. From time to time, HUD and/or the Contract Administrator will conduct an inspection.

**26. Annual Recertification/Interim Recertification**

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

**27. Violence Against Women & Justice Department Reauthorization Act of 2005  
Public Law 109-162, hereafter referred to as VAWA.**

The purpose of VAWA provides legal protections to victims of domestic violence, dating violence or stalking. These protections prohibit Management from evicting or terminating assistance from individuals being assisted under a project based Section 8 program if the program if the asserted grounds for such action is an instance of domestic violence, dating violence or stalking.

Protections for victims of domestic violence, dating, violence or stalking. The law offers the following protections against eviction or denial of housing based on violence, dating violence or stalking.

A. An applicant's or program applicant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

B. An incident of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.

C. Criminal activity directly related to 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 of the victim of the criminal acts.

D. Assistance may be terminated or a lease "Bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is the tenant or a lawful occupant, to remain.

E. The provisions protecting victims of domestic violence, dating violence or stalking engaged in by a member of the household, may not be construed to limit the Management, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.

F. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if Management can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is

an option, the VAWA notwithstanding. Ultimately, Management may not subject victims to more demanding standards than other tenants.

G. The VAWA protections shall not supersede any provisions of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

#### Tenant Rights & Responsibilities:

Tenants and family members of tenants who are victims of domestic violence, dating violence or stalking are protected by the VAWA from being evicted or from housing assistance being terminated because of the acts of violence against them.

If requested, tenants are required to submit to the Management a completed Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other supporting documentation WITHIN 14 business days of the Management request, or any supporting documentation is not provided within the specific timeframe, the landlord may begin eviction proceedings.

If the tenant has sought assistance in addressing domestic violence, dating violence or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the tenant may submit written proof of this outreach.

It is possible of someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits separate criminal activity, a landlord may evict them for engaging in crime. Furthermore, if a victim poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite the VAWA. Of paramount consideration within the VAWA is that the landlord may not hold the victim to a more demanding standard than other tenants.

#### **Grievance Procedure** - When rejecting an application, management will:

When rejecting an application the owner must:

1. Provide the resident notification in writing of reasons for rejection
2. Inform the applicant he/she has 14 days to request in writing a meeting to discuss the application rejection
3. Participate through a representative in an informal meeting. It is preferable for the representative to not be the same person who made the original decision
4. The decision maker can be present at the meeting
5. The applicant and a representative(s) of his/her choice can be present
6. Provide a written determination to the applicant within 5 days of meeting

When an owner terminates tenancy, written notice must be provided to the resident and must:

1. State the specific date the tenancy will be terminated
2. State the reasons for the action with enough detail to enable the tenant to prepare a defense

3. Advise the tenant that remaining in the apartment after the termination date specified in the notice may result in the owner seeking to evict the tenant in court at which time the tenant can present a defense
4. Provide the tenant with 14 days within which to meet with the owner and discuss the proposed termination.
5. The 14 days begin on the day the termination notice is served on the tenant.

**I have been given the opportunity to ask any questions that pertain to the Resident Selection Guidelines. I/We by signing below certify that we have read and received a copy of these guidelines.**

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

**IT IS THE POLICY OF THIS COMPANY TO PROVIDE HOUSING ON EQUAL OPPORTUNITY BASIS. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, RELIGION, COLOR, SEX, FAMILIAL STATUS, NATIONAL ORIGIN OR HANDICAP.**

Revised January 31, 2010

Revisions were made to the Social Security and Non Citizens Sections

Revisions were made to the section on Student Status Restriction

LEP language was added

Revisions were made to the Violence Against Women & Justice Dept. Reauthorization Act of 2005 EIV/Social Security Numbers

Revised 2-24-17  
 Revised 1-30-2018  
 Revised 2-22-2018



## RENTAL HOUSING INTEGRITY IMPROVEMENT PROJECT

# EIV & You

### ENTERPRISE INCOME VERIFICATION



**What YOU Should Know  
if You are Applying for or are Receiving  
Rental Assistance through the Department of  
Housing and Urban Development (HUD)**

### What is EIV?

EIV is a web-based computer system containing employment and income information on individuals participating in HUD's rental assistance programs. This information assists HUD in making sure "the right benefits go to the right persons".



### What income information is in EIV and where does it come from?

#### The Social Security Administration:

- Social Security (SS) benefits
- Supplemental Security Income (SSI) benefits
- Dual Entitlement SS benefits

#### The Department of Health and Human Services (HSS) National Directory of New Hires (NDNH):

- Wages
- Unemployment compensation
- New Hire (W-4)

### What is the information in EIV used for?

The EIV system provides the owner and/or manager of the property where you live with your income information and employment history. This information is used to meet HUD's requirement to independently verify your employment and/or income when you recertify for continued rental assistance. Getting the information from the EIV system is more accurate and less time consuming and costly to the owner or manager than contacting your income source directly for verification.

Property owners and managers are able to use the EIV system to determine if you:

- correctly reported your income

They will also be able to determine if you:

- Used a false social security number
- Failed to report or under reported the income of a spouse or other household member
- Receive rental assistance at another property

### Is my consent required to get information about me from EIV?

Yes. When you sign form HUD-9887, Notice and Consent for the Release of Information, and form HUD-9887-A, Applicant's/Tenant's Consent to the Release of Information, you are giving your consent for HUD and the property owner or manager to obtain information about you to verify your employment and/or income and determine your eligibility for HUD rental assistance. Your failure to sign the consent forms may result in the denial of assistance or termination of assisted housing benefits.

### Who has access to the EIV information?

Only you and those parties listed on the consent form HUD-9887 that you must sign have access to the information in EIV pertaining to you.

### What are my responsibilities?

As a tenant in a HUD assisted property, you must certify that information provided on an application for housing assistance and the form used to certify and recertify your assistance (form HUD-50059) is accurate and honest. This is also described in the *Tenants Rights & Responsibilities* brochure that your property owner or manager is required to give to you every year.



### Penalties for providing false information

Providing false information is fraud. Penalties for those who commit fraud could include eviction, repayment of overpaid assistance received, fines up to \$10,000, imprisonment for up to 5 years, prohibition from receiving any future rental assistance and/or state and local government penalties.

### Protect yourself, follow HUD reporting requirements

When completing applications and recertifications, you must include all sources of income you or any member of your household receives. Some sources include:

- Income from wages
- Welfare payments
- Unemployment benefits
- Social Security (SS) or Supplemental Security Income (SSI) benefits
- Veteran benefits
- Pensions, retirement, etc.
- Income from assets
- Monies received on behalf of a child such as:
  - *Child support*
  - *AFDC payments*
  - *Social security for children, etc.*

If you have any questions on whether money received should be counted as income, ask your property owner or manager.

When changes occur in your household income or family composition, immediately contact your property owner or manager to determine if this will affect your rental assistance.



Your property owner or manager is required to provide you with a copy of the fact sheet "How Your Rent Is Determined" which includes a listing of what is included or excluded from income.

### What if I disagree with the EIV information?

If you do not agree with the employment and/or income information in EIV, you must tell your property owner or manager. Your property owner or manager will contact the income source directly to obtain verification of the employment and/or income you disagree with. Once the property owner or manager receives the information from the income source, you will be notified in writing of the results.

### What if I did not report income previously and it is now being reported in EIV?

If the EIV report discloses income from a prior period that you did not report, you have two options: 1) you can agree with the EIV report if it is correct, or 2) you can dispute the report if you believe it is incorrect. The property owner or manager will then conduct a written third party verification with the reporting source of income. If the source confirms this income is accurate, you will be required to repay any overpaid rental assistance as far back as five (5) years and you may be subject to penalties if it is determined that you deliberately tried to conceal your income.

### What if the information in EIV is not about me?

EIV has the capability to uncover cases of potential identity theft; someone could be using your social security number. If this is discovered, you must notify the Social Security Administration by calling them toll-free at 1-800-772-1213. Further information on identity theft is available on the Social Security Administration website at: <http://www.ssa.gov/pubs/10064.html>.

### Who do I contact if my income or rental assistance is not being calculated correctly?

First, contact your property owner or manager for an explanation.

If you need further assistance, you may contact the contract administrator for the property you live in; and if it is not resolved to your satisfaction, you may contact HUD. For help locating the HUD office nearest you, which can also provide you contact information for the contract administrator, please call the Multifamily Housing Clearinghouse at: 1-800-685-8470.



### Where can I obtain more information on EIV and the income verification process?

Your property owner or manager can provide you with additional information on EIV and the income verification process. They can also refer you to the appropriate contract administrator or your local HUD office for additional information.

If you have access to a computer, you can read more about EIV and the income verification process on HUD's Multifamily EIV homepage at: [www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm](http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm).



JULY 2009

# All Doors Are Open In Kentucky

It is against the law to discriminate against any person who wants to rent or own housing. You have the right to fair housing regardless of your color, disability, familial status (whether you live with children under 18 years of age), national origin, race, religion or sex.



Fair Housing



## What Fair Housing Law Means

The US and Kentucky Fair Housing acts are laws that provide equal opportunity to all people when buying, selling, renting, financing or insuring housing. You have the right to buy or rent where you choose a home, condominium, apartment, trailer or lot. Everyone must obey the law including property owners, real estate brokers, sales agents, operators, builders and developers, advertisers and advertising media, mortgage lenders, insurers, and banks or other financial institutions.

## Contact Us

Call or contact us if you need help with discrimination or would like more information.

Kentucky Commission on Human Rights  
332 W. Broadway, Suite 700  
Louisville, Kentucky 40202  
502.595.4024 1.800.292.5566  
TDD: 502.595.4084  
Email: [kchr.mail@ky.gov](mailto:kchr.mail@ky.gov)  
[www.kchr.ky.gov](http://www.kchr.ky.gov)  
Face Book/Kentucky Commission on Human Rights  
Twitter/KyHumanRights

Fair Housing Brochure  
Kentucky Commission on Human Rights  
English for Web  
2013

## These Actions are Illegal

Among the practices prohibited by law, it is illegal to: refuse to sell, rent, lease or exchange real estate because of discrimination; deny a reasonable accommodation to a renter with a disability; coerce, intimidate, threaten or interfere with a person's enjoyment of his or her home because of discrimination; communicate that a property is unavailable when it is available; communicate that the racial makeup of a neighborhood may change or cause property values to go down or make other similar false and misleading statements; publish advertising that states a preference of one person over another based on discrimination; discriminate in the grant, rates, terms, conditions or services of financial assistance in real estate transactions; discriminate in the making or purchase of loans; discriminate in terms, conditions or privileges of housing-related insurance; deny access or restrict membership of multiple-listing services or real estate organizations for discriminatory reasons.

thorough investigation to determine if discrimination has occurred. All findings go before the Commission Board, which acts with the authority of a court of law. Save copies of all letters, advertisements or other information relevant to the alleged discrimination. Write down your experiences, including dates, significant conversations and incidents, and the names of the involved individuals.

## Exemptions

Exemptions from fair housing law are allowed for the rental of an owner-occupied duplex or rental of one room in a private home. The sale or rental of an owner-occupied home is exempt if the sale or rental takes place without a real estate agent or advertising. A religious organization may exercise a preference to rent to one of its members. It is allowable to refuse to rent on the basis of sex if the property is a single sex dormitory. A landlord may choose not to rent to unmarried couples. A gender-based exclusion from the law is allowed if the landlord can demonstrate that the exclusion is necessary for reasons of personal modesty or privacy. Exemptions are allowed if a landlord rents fewer than 10 units or to fewer than 10 persons in an owner-occupied facility. A landlord may refuse to rent on the basis of familial status if the property is intended for occupants 62 years of age or older or if 80 percent of the units have occupants 55 years of age or older and special services for older persons are provided.

## Protect Your Rights

If you believe you may be a victim of discrimination, contact us. We will help you file a discrimination complaint. A housing discrimination complaint must be filed within one year of the alleged discrimination. After your complaint is filed, our officers will conduct a

# Kentucky Commission on Human Rights

PROTECTOR OF CIVIL RIGHTS  
VOICE FOR EQUALITY  
CATALYST FOR POSITIVE CHANGE



This publication was supported by funding under a grant with the U S Department of Housing and Urban Development. It is dedicated to the public. The author and publisher are solely responsible for the accuracy of the publication, which does not necessarily reflect the views of the federal government.

**Jackson House and WB Sanders Retirement Center**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>**

**To all Residents and Applicants**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Section 8 or Section 202/8** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

**Protections for Applicants**

If you otherwise qualify for assistance under **Section 8 or Section 202/8**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Residents**

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<sup>1</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

If you are receiving assistance under **Section 8 or Section 202/8**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **Section 8 or Section 202/8** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, resident, or lawful occupant living in your household.

### **Removing the Abuser or Perpetrator from the Household**

JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER chooses to remove the abuser or perpetrator, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER may not take away the rights of eligible residents to the unit or otherwise punish the remaining residents. If the evicted abuser or perpetrator was the sole resident to have established eligibility for assistance under the program, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must allow the resident who is or has been a victim and other household members to

remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must follow Federal, State, and local eviction procedures. In order to divide a lease, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

**(2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER's emergency transfer plan provides further information on emergency transfers, and JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must make a copy of its emergency transfer plan available to you if you ask to see it.

**Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence,  
Sexual Assault or Stalking**

JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must be in writing, and JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER as documentation. It is your choice which of the following to submit if JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.

- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER does not have to provide you with the protections contained in this notice.

If JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where



there is conflicting evidence, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER does not have to provide you with the protections contained in this notice.

### **Confidentiality**

JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must not allow any individual administering assistance or other services on behalf of JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must not enter your information into any shared database or disclose your information to any other entity or individual. JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER, however, may disclose the information provided if:

- You give written permission to JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER to release the information on a time limited basis.
- JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER or your landlord to release the information.

VAWA does not limit JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

**Reasons a Resident Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER cannot hold residents who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to residents who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other residents or those who work on the property.

If JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER can demonstrate the above, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **Beacon Property Management, 502-634-9830** or **Nashville HUD Office**.

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at

[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/mfh](https://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh)

Additionally, JACKSON HOUSE AND WB SANDERS RETIREMENT CENTER must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact Linda Williams, 270-442-7591.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY).

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

For help regarding sexual assault, you may contact 800.656.HOPE (4673).

Victims of stalking seeking help may contact 855-4-VICTIM (855-484-2846). .

**Attachment:** Certification form HUD-5382

# **Section 504 Equal Access Statement**

## **Jackson House and W.B. Sanders Retirement Center**

### **Tenant Selection Plan and Materials Related to Apartment Rental**

#### **For mobility impaired persons –**

These documents are kept at Jackson House and W.B. Sanders Retirement Center which are accessible facilities on accessible routes (parking in rear for both). These documents may be examined Monday through Friday between the hours of 8:00AM and 4:00PM. You must phone in to make arrangements to examine these documents. Please call 270-442-7591 or call our TTY 1-800-648-6056.

#### **For vision impaired persons -**

Jackson House or W.B. Sanders Retirement Center will provide a staff person to assist in reviewing these documents. Assistance shall be provided as needed to permit the contents of the documents to be communicated to the person with vision impairments.

#### **For the hearing impaired –**

Jackson House or W.B. Sanders Retirement Center will provide assistance to hearing impaired persons in reviewing these documents. Please call our TTY 1-800-648-6056 to schedule an appointment.

Assistance to ensure equal access to these documents will be provided in a confidential manner and setting. The individual with disabilities is responsible for providing his/her own transportation to and from the location where these documents are kept.

If an individual with disabilities is involved, all hearing or meetings required by these documents will be conducted at an accessible location with appropriate assistance provided.

#### **In General -**

Jackson House and WB Sanders Retirement Center do not discriminate on the basis Of disabled status in the admission or access to, or treatment or employment in, Its federally assisted programs and activities.



*JACKSON HOUSE AND  
W.B. SANDERS RETIREMENT CENTER  
301 S. 9<sup>TH</sup> STREET  
PADUCAH KENTUCKY 42003*

December 28, 2018

Addendum #1 to Integrated Pest Management Policy dated January 2017; October 2019

Effective January 2<sup>nd</sup> 2019, all furniture being moved into the Jackson House and/or W.B. Sanders Retirement Center will be inspected by a Building Engineer Technician and is subject to inspection by an Orkin or other licensed pest inspector within 30 days of move-in.

Bed bugs and other pest are a nuisance battled regularly in apartment living and our property is no different. This policy is meant to serve as an additional and preventative step to actively and vigorously combatting pest at our property. This policy will in no way be used to discriminate against any resident, we do however reserve the right to deny furniture to be brought into our buildings if signs of bed bug activity exists.

All move-ins will be inspected, if the move-in occurs between the hours of 7:30AM and 4:00PM on a normal business day the inspection will occur at that time. Should furniture be moved in (to a new move-in or existing resident) during non-business hours those items are subject to inspection the next business day during normal business hours. Should an item be deemed as having bedbug activity at that time the resident may be subject to paying for extermination service.

We have a contracted Orkin inspector inspect 20% of our units monthly as a preventative measure. Effective with this addendum, all move-ins will be inspected by the Orkin inspector during the normal monthly inspection. These inspections are typically the 2<sup>nd</sup> Tuesday of each month.

Items that will be inspected include bed furniture, box springs, mattress, upholstered furniture such as recliners, couch, etc. There will be no inspections of clothing, food, books, etc.

Your cooperation in this effort is greatly appreciated.

Thanks

Shannon Tutor  
Community Manager



**Phone 270-442-7591**  
**Fax 270-442-4318**



**JACKSON HOUSE AND  
W.B. SANDERS RETIREMENT CENTER  
301 S. 9<sup>TH</sup> STREET  
PADUCAH KENTUCKY 42003**

Revised October 2019

**Integrated Pest Management Policy**

**Intent:** It is the intent of the management of Jackson House and WB Sanders Retirement Center to maintain a vigorous and enduring integrated pest management program that eliminates and prevents pest throughout our property. This program will depend on the cooperation and quick action of our residents in order to be successful.

**Procedure:** Management has contracted and will continue to contract for pest control services. We currently use Orkin as our pest control contractor. Orkin provides services to us including: monthly bait and pest control typically conducted on the first Wednesday of the month for every apartment; monthly fly prevention treatment (misterters) in the trash compactor area and lobby areas; monthly bed bug inspections typically conducted on the second Tuesday of the month and limited to 20% of units each month on a rotating schedule; bed bug treatment – as needed; mosquito prevention provided seasonally; other pest treatment on an as needed basis.

Residents are not required to be present for any of the above listed treatment. Staff will provide access to the exterminator once the work order and credentials are verified.

**Management Responsibilities:** Management is responsible for oversight of this program and to inform residents of changes to the scheduling or notification for additional treatment not included in the typical monthly package.

**Resident Responsibilities:** Keep the premises in a clean and sanitary condition and to comply with the procedure included above.

**Please note the following: All services above are free of charge to the resident with the exception of bed bug treatment.** Residents will be required to reimburse management for cost incurred for a second or additional bed bug treatment. Repeated cases of the bed bugs by the same resident may result in lease termination for that resident.

We are committed to a workable integrated pest management program that keeps all apartments pest free. If you have concerns, please call the manager at 270-442-7591.