



# Tenant Selection Plan for the Multifamily RAD PBRA Program

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## ***EFFECTIVE DATE***

This Tenant Selection Plan has been developed in anticipation of implementation of the Housing Opportunities Through Modernization Act. This policy becomes effective when HOTMA compliant software is available and implemented. This is expected to occur no later than July 1, 2025.

## ***THE PURPOSE OF THE TENANT SELECTION PLAN***

Lake MHA owns and manages the Jackson Towers project under HUD's Multifamily Rental Assistance Demonstration (RAD) Project-Based Rental Assistance (PBRA) Program. Lake MHA's Jackson Towers project is comprised of three properties in Painesville, Ohio – Jackson Towers, Washington Square, and Woodlawn Homes. The program requires that all applicants have equal access to affordable housing and that all tenants are treated equitably. The occupancy requirements and procedures governing this project are found in HUD Handbook 4350.3. The federal regulations and statutes are found in 24 CFR Part 880, as modified by RAD requirements.

The Tenant Selection Plan helps to ensure that tenants are selected for occupancy in accordance with HUD requirements and established management policies. Lake MHA's Board of Commissioners must approve the original policy and any changes. If required, relevant portions of the Plan will be sent to HUD for approval.

Due to the changing nature of federal guidelines and regulations, the policies and procedures prescribed in this document are subject to revision at any time. Every effort to reasonably inform applicants and tenants at the time of those changes will be made if the changes substantially impact the rights and responsibilities of the applicants and tenants or the services provided.

Please contact the management office if you need help understanding this document. Contacte por favor la oficina de gestión si usted necesita ayuda a comprender este documento.

## ***AVAILABILITY OF THE TENANT SELECTION PLAN, APPLICATION, AND SUPPORTING DOCUMENTS***

An electronic version of the current Tenant Selection Plan and associated documents are available on Lake MHA's web site at [www.lakehousing.org](http://www.lakehousing.org). These include, but are not limited to:

- The Tenant Selection Plan
- The Multifamily Pre-Application Package
- The VAWA Policy and VAWA Request/Certification
- Information about Contacting the Section 504 Coordinator
- Current Income Limits
- HUD Brochures
- The Lease/House Rules

Additionally, a hard copy of the current Tenant Selection Plan is available upon request. Applicants or someone assisting applicants with the Pre-Application or Application process may request a paper or electronic copy by contacting Lake MHA's Administrative Office. The Pre-Application Package or Application Package may be returned by mail, email, or hand delivery to Lake MHA's Administrative Office.

## ***BUSINESS RELATIONSHIP***

The relationship between a landlord (Lake MHA) and a tenant or applicant is a business relationship. A courteous and businesslike attitude is required from both parties. Lake MHA reserves the right to refuse to conduct business with anyone who is verbally abusive, swears, is disrespectful, makes threats, uses



discriminatory language, appears to be intoxicated or under the influence of alcohol or drugs, is argumentative, or in general displays an attitude, at any time, which causes Lake MHA staff to believe the relationship would not be a positive business relationship.

If an applicant or any member of the applicant's family demonstrates unprofessional or threatening behavior (including appearing to be intoxicated, under the influence of alcohol or illegal drugs) in the presence of Lake MHA staff, the applicant and members of the applicant's family will be required to leave the property and the applicant family will be rejected.

To ensure the privacy of Lake MHA tenants and applicants, use of cell phones or other electronic devices by tenants or applicants (except those necessary to facilitate a meeting and/or alleviate the symptoms of a disability) is not allowed in the Administrative Office.

Children are always welcome. When in the Administrative Office, minors must be supervised. Lake MHA is not responsible for childcare or supervision.

Aside from standard property charges, Lake MHA staff is not permitted to accept any money, gifts, services or favors connected with the Pre-Application or Application process or associated with any aspect of residency on this property.

#### **SMOKE FREE HOUSING – DESIGNATED SMOKING AREA**

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, smoking is prohibited in all living units and interior areas, including but not limited to hallways, Administrative Offices, community rooms, laundry rooms, and similar structures. Smoking is also prohibited in outdoor areas within 25 feet of all Lake MHA properties, including Jackson Towers, Washington Square, Woodlawn Homes, and Lake MHA's Administrative and Maintenance buildings. Any smoking that occurs on Lake MHA property must be done outside of these restricted areas.

This policy applies to all employees, tenants, household members, guests, and service persons. Tenants are responsible for ensuring that household members and guests comply with this rule.

There is no legal or constitutional right to smoke, and smokers are not considered a "protected class." While addiction to nicotine or smoking is not a disability, Lake MHA will provide reasonable accommodations to persons with disabilities who smoke that are in compliance with the requirements of this smoke-free policy. Smoke-free signs will be posted at all properties, in common areas, and in conspicuous places to the restricted areas.

New residents will sign the smoke-free addendum at the time of move-in. No applicant will be denied for being a smoker, but all applicants will be advised of the requirement to comply with this Smoke-Free Policy and the Smoke-Free Lease Addendum. Violation of this policy and the Smoke-Free Lease Addendum constitutes a violation of the terms of the lease. Consequences of lease violations include termination of tenancy.

"Smoking" shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, cigar, pipe, vape pen, juul, hookah, Electronic Nicotine Delivery System (ENDS), marijuana, medical marijuana, herbal smoking product, "Legal Weed," or product known as "bath salts," or other lighted product in any manner or in any form.

Lake MHA will not evict a resident for a single incident of smoking in violation of this policy. Within each 12-month period, a progressive course of lease enforcement action will be taken as follows:

1. First Offense - Lake MHA staff will give resident a verbal warning reminding them of the Smoke-Free



Policy.

2. Second Offense- Lake MHA staff will place a violation notice on resident's door as a reminder of the Smoke-Free Policy.
3. Third Offense - Lake MHA staff will send the resident a written warning and a referral to smoking cessation services.
4. Fourth Offense - Lake MHA staff will send the resident a letter to attend a mandatory conference to discuss the Smoke-Free Policy and repeated violations of the policy. The Caseworker and the Housing Manager will be present to assist the resident with ways to be compliant with the policy in order to safeguard their housing. During this conference, the resident will be required to sign a "last chance agreement." If the resident fails to attend the conference or sign the "last chance agreement" the resident's file will be documented to reflect the failure to attend and/or sign.
5. Fifth Offense-Lake MHA staff will issue a 30-day notice. At this time, the resident will not be given an option to cure.

In the event that a 30-day notice is issued for violation of the Smoke-Free Policy or Lease Addendum, the resident will still be afforded the right to the grievance process.

Enforcement of a smoke-free environment empowers tenants by providing forms that can be submitted anonymously if they notice violations of this policy. Upon receipt of a documented complaint, Lake MHA may increase the frequency of unit inspections to investigate a suspected violation and to help ensure compliance. For tenant smokers who wish to quit, Lake MHA will work collaboratively with community partners and the resident to provide material and outreach support.

Please note that use of illegal or controlled substances is grounds for denial of housing/assistance in accordance with the Quality Work & Housing Responsibility Act (QWHRA). This includes marijuana (including medical marijuana) as stated below.

#### **USE OF MARIJUANA – FEDERALLY FUNDED PROPERTY**

Regardless of the purpose of legalization under state law, the use of marijuana in any form, is illegal under the Controlled Substances Act (CSA) and therefore is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act (QHWRA). Based on federal law, new admissions of any marijuana user – including people who use medical marijuana - are prohibited.

Please note that use of illegal or controlled substances is grounds for denial of housing/assistance in accordance with the Quality Work & Housing Responsibility Act (QWHRA). This includes marijuana (including medical marijuana). State laws that legalize medical marijuana directly conflict with QHWRA and thus are subject to federal preemption.

Tenants are prohibited from using marijuana (even in a smokeless manner). If HUD rules change, the Tenant Selection Plan and the House Rules may be edited to conform to the policies set forth by HUD.

#### **SECURITY DEPOSIT REQUIREMENTS**

Lake MHA must collect a security deposit at the time of the initial lease execution before moving into the unit. Lake MHA requires that tenants pay the security deposit in a guaranteed form (e.g., money order, cashier's check, bank check).

Lake MHA will comply with any HUD rules and applicable state and local laws governing the security deposit.



The security deposit amount is based on the Total Tenant Payment (TTP) calculated at move in.

If the move-in certification is corrected, and the TTP is recalculated, the security deposit requirement will be recalculated as well. Otherwise, the amount of the security deposit established at move-in does not change when a Tenant's rent changes. Please review information about security deposits and unit transfers later in this document.

The applicant family is expected to pay the security deposit from their own resources and/or other public or private sources. An applicant family will be rejected if the security deposit cannot be paid before move-in.

### **PETS & ASSISTANCE ANIMALS**

Tenants are allowed to keep pets in the unit. Certain restrictions apply and are outlined in Lake MHA's Pet & Animal Rules which are incorporated into Lake MHA's House Rules. Both pets and assistance animals are to be approved **before** they are allowed to live in the unit. A copy of the Pet & Animal Rules is available upon request and located on Lake MHA's web site.

When applicable, tenants must agree to pay any required pet deposit and must agree to abide by the Lake MHA's Pet & Animal Rules.

If an applicant or tenant wishes to request approval of an assistance animal (an animal necessary to alleviate the symptoms or side-effects of a disability), the applicant, tenant, or their representative must request a reasonable accommodation. Please review the process to request a reasonable accommodation in Appendix A. The applicant family should also review the Pet & Animal Rules, part of which are applicable to assistance animals.

### **HOUSING ASSISTANCE DEFINITION**

The property is operating under the guidelines established for the HUD Multifamily Section 8 RAD PBRA Program. Each person must be familiar with the lease and lease attachments and capable of fulfilling the lease requirements.

### **SUBSIDY**

The rent that a household pays is based upon the household income. The rent paid by tenants may vary.

### **SINGLE RESIDENCE/SUBSIDY CRITERIA**

A household is eligible for assistance only if the unit will be the household's only residence. Lake MHA will not knowingly assist applicant families who will maintain a residence in addition to the HUD-assisted unit.

**Applicants MUST disclose if they are currently receiving HUD housing assistance.** Tenants can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

If, for any reason, an applicant moves into this property before moving out of another subsidized unit, the household will be required to pay market rent until the move out from the previous property is complete and the tenant is eligible to receive HUD subsidy for this property. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

There is an exception to this rule. Children in joint custody arrangements can receive HUD housing assistance in





two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the dependent deduction to determine adjusted income. In these cases, additional verification is required. Lake MHA will request:

- Verification of the custody/guardianship/living arrangement - *Please see Appendix C for additional information*
- Verification of the use of the deduction (only one family may take advantage of the dependent deduction). Lake MHA will verify use of the dependent deduction with the other owner/agent if:
  1. The child will live in the unit at least 50% of the time and
  2. The parent wishes to claim the dependent deduction, and
  3. Both families are receiving HUD housing assistance

All adults will be required to sign the Self-Certification in Appendix C.

### **HUD HOUSING VOUCHERS**

Lake MHA may not admit an applicant family if any member is in possession of a HUD housing assistance voucher provided through HUD's Public and Indian Housing (PIH) program unless the applicant agrees to give up the voucher prior to occupancy. This will be verified with the Housing Authority providing the HUD housing assistance voucher.

Please note that housing assistance provided through HUD's Multifamily Housing program is not the same as the housing assistance provided through the voucher program. If any family member moves out, the housing subsidy will not move with the family as it does with a voucher. The family will be required to re-apply to a PHA to receive another voucher.

### **DUAL SUBSIDY**

If Lake MHA discovers that any HUD housing assistance is still being paid after moving into one of Lake MHA's properties, no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the subsidy stops. This rule applies to the entire household. Subsidy is NOT prorated. Any assistance paid in error must be returned to HUD.

Applicants should consult with the applicable Contract Administrator or the HUD office if any former landlord is accepting subsidy after move-out.

### **ASSISTED LIVING**

Lake MHA does not provide, nor has the authority to provide, any personal care or personal supervision services. Any required care or supervision must be provided by the tenant or aides supervised by the tenant or the tenant's representative(s). Lake MHA does not provide assistance with personal activities of daily living.

### **DETERMINATION OF ADJUSTED INCOME**

When determining Adjusted Income, Lake MHA will use HUD methods to determine Annual Income for the entire family. After Annual Income is determined, Lake MHA will apply the following deductions as applicable:

- The Elderly/Disabled Family Deduction;
- The Dependent Deduction;
- The Childcare Deduction;
- The Health & Medical Expense Deduction (Medical Expenses in excess of 10% of Annual Income)
- The Attendant Care & Auxiliary Apparatus Deduction



### **ELDERLY/DISABLED FAMILY DEDUCTION**

For each family where the HOH, co-HOH or spouse is 62 or older or is disabled, HUD provides an annual family allowance. With the implementation of HOTMA, the Elderly/Disabled Family Deduction is \$525. This amount may be adjusted by HUD annually.

### **THE DEPENDENT DEDUCTION**

A family receives a Dependent Deduction (*\$480 subject to annual adjustment by HUD*) for each family member who is:

1. Under 18 years of age;
2. A person with disabilities; or
3. A full-time student of any age.

It is not necessary for a member of the family to have legal custody of a dependent in order to receive the Dependent Deduction.

When more than one family shares custody of a child and both live in assisted housing, only one family at a time can claim the Dependent Deduction for that child.

Some family members may never qualify as dependents regardless of age, disability, or student status.

- The HOH, co-HOH/spouse may never qualify as a dependent.
- A foster child, foster adult, an unborn child, a child who has not yet joined the family or a Live-in Aide may never be counted as a dependent.

### **THE CHILDCARE DEDUCTION**

Anticipated expenses for the care of children under age 13 (including foster children) may be deducted from Annual Income if all of the following are true:

1. The care is necessary to enable a family member to work, seek employment, or further his/her education (academic or vocational).
2. The family has determined there is no adult family member capable of providing care during the hours care is needed.
3. The expenses are not paid to a family member living in the unit.
4. The amount deducted reflects reasonable charges for child care.
5. The expense is not reimbursed by an agency or individual outside the family.
6. Child care expenses incurred to permit a family member to work must not exceed the amount earned by the family member made available to work during the hours for which child care is paid.

### **Childcare Hardship Exemption**

Implementation of any Childcare Hardship Exemption Policy will not be in effect until the Lake MHA implements new site software to comply with changing HUD requirements (no later than 1/1/2025).

A family may request a Childcare Hardship Exemption to continue the Childcare Deduction if:

1. The current Assistant Payment calculation includes a Childcare Deduction;
2. The family is no longer qualified for the Childcare Deduction because no member is working, seeking employment or furthering his or her education; **and**
3. The Childcare Deduction is still necessary.

The owner/agent will consider a request for a Childcare Hardship Exemption if:



1. The family requests a Childcare Hardship Exemption; and
2. The family is receiving a Childcare Deduction on the current certification in effect at the time of the request; and
3. The family indicates that they will be able to pay rent if the exemption is granted; and
4. The net Cash Value of Assets for the entire family is \$50,000 or less; and
5. The family's total Annual Income is at or below the current Extremely-low Income Limit; and
6. The family participates in a review meeting; and
7. No member of the family is required to return an improper payment to HUD because the resident failed to fully and accurately disclose income or other required information; and
8. The family provides required information and signatures within ten (10) business days including the information required to verify that the resident would not be able to pay rent if Lake MHA does not grant the Childcare Hardship Exemption; and
9. The change is reviewed and when considering Annual Income and all deductions and medical expenses, the result would be a TTP that exceeds 25% of the family's remaining income; and
10. The family has not provided Notice to Move; and
11. The family is considered a "resident in good standing" and Lake MHA has not indicated intent to terminate assistance and/or terminate tenancy (eviction); and
12. The family agrees to participate and participates in a review meeting at least every 90 days or upon request by Lake MHA.

If the Request for the Childcare Hardship Exemption is approved, Lake MHA will reduce Annual Income by the verified amount of Childcare.

The Childcare Hardship Exemption ends at the earliest of:

- Ninety (90) calendar days from the Effective Date of the Certification implementing the exemption;
- Such time Lake MHA determines the need for the Financial Hardship Exemption no longer exists and the family is able to pay their rent without the Financial Hardship Exemption;
- Assistance is terminated;
- The resident fails to meet with property staff or provide information/signatures, as required, at least every 90 days or upon request from.

The resident may request and Lake MHA may extend the Childcare Hardship Exemption, for increments of no more than 90 days, based on the parameters outlined in Lake MHA's Hardship Exemption Policy. There is no limit to the number of times the Hardship Exemption may be extended.

Please see the property Hardship Exemption Policy for a more detailed explanation. To request a Hardship Exemption please contact the property staff for a Hardship Exemption Request.

### **THE HEALTH & MEDICAL EXPENSE DEDUCTION**

The Health & Medical Expense Deduction is permitted only for families in which the HOH, spouse, or co-HOH is at least 62 years old or is a person with disabilities (elderly or disabled families).

If the family is eligible for a Health & Medical Expense Deduction, Lake MHA must include the unreimbursed medical expenses of all family members, including the expenses of non-elderly family members (adults or children) living in unit. The Health & Medical Expense Deduction is that portion of total unreimbursed medical expenses that exceed 10% of the family's Annual Income.

When determining the Health & Medical Expense Deduction (*name of the deduction has changed*) Lake MHA includes



all out-of-pocket medical expenses the family anticipates to incur during the 12 months following the certification effective date.

**THE ATTENDANT CARE & AUXILIARY APPARATUS EXPENSE DEDUCTION**

Families are entitled to a deduction for unreimbursed, anticipated costs for attendant care and auxiliary apparatus for each family member who is a person with disabilities, to the extent these expenses are reasonable and necessary to enable any family member 18 years of age or older who may or may not be the member who is a person with disabilities to be employed.

The Attendant Care & Auxiliary Apparatus Expense Deduction is that portion of total unreimbursed expenses that exceed 10% of the family's Annual Income.

When determining the Attendant Care & Auxiliary Apparatus Expense Deduction (*name of the deduction has changed*) Lake MHA includes all out-of-pocket expenses the family anticipates to incur during the 12 months following the certification effective date

**HARDSHIP EXEMPTIONS – HEALTH & MEDICAL EXPENSE DEDUCTION AND THE ATTENDANT CARE & AUXILIARY APPARATUS DEDUCTION**

HUD has provided two Hardship Exemptions related to the increase to the Health & Medical Expense Deduction (previously known as the Medical Expense Deduction) and the Attendant Care & Auxiliary Apparatus Deduction (previously known as the Disability Assistance Expense Deduction).

The two types of Hardship Exemptions related to the Health & Medical Expense Deduction and the Attendant Care and Auxiliary Apparatus Expense Deduction are:

1. The Phase-in Hardship Exemption (Relief); and
2. The Financial Hardship Exemption (General Relief).

**THE PHASE-IN HARDSHIP EXEMPTION**

The Phase-in Exemption is available to those residents who were receiving HUD assistance (MFH or PIH) as of January 1, 2024 and who were receiving either the Medical Expense Deduction or the Disability Assistance Expense Deduction as part of the Assistance Payment calculation as of that date. In these cases, HUD allows Lake MHA to “phase in” the Deduction Decrease:

- The deduction will be the amount that is over 5% of Annual Income for the first 12 months of Phase-in.
- The deduction will be the amount that is over 7.5% of Annual Income for the second 12 months of Phase-in.
- After the first 24 months, the deduction will be the amount that is over 10% of Annual Income.

If assistance is terminated (not suspended), the Phase-in Exemption ends.

If, in Year 2, the family requests and is granted a Financial Hardship Exemption, Phase-in ends and cannot be reinstated.

Lake MHA will not allow the Phase-in Hardship Exemption to continue when an applicant moves into the property.

**THE FINANCIAL HARDSHIP EXEMPTION (GENERAL RELIEF)**

A family may request a Financial Hardship Exemption to establish the Health & Medical Expense Deduction and/or



the Attendant Care & Auxiliary Apparatus Expense Deduction to an the amount that expenses exceed 5% of Annual Income instead of the standard of the amount that expenses exceed 10% of Annual Income.

Lake MHA will consider a request for a Financial Hardship Exemption if:

1. The family requests a Financial Hardship Exemption; and
2. The family indicates that they will be able to pay rent if the exemption is granted; and
3. The net Cash Value of Assets for the entire family is \$50,000 or less; and
4. The family's total Annual Income is at or below the current Extremely-low Income Limit; and
5. The family participates in a review meeting; and
6. No member of the family is required to return an improper payment to HUD because the resident failed to fully and accurately disclose income or other required information; and
7. The family provides required information and signatures within ten (10) business days including the information required to verify that the resident would not be able to pay rent if Lake MHA does not grant the Financial Hardship Exemption; and
8. The change is reviewed and when considering Annual Income and all deductions and medical expenses, the result would be a TTP that exceeds 25% of the family's remaining income; and
9. The family has not provided Notice to Move; and
10. The family is a considered a "resident in good standing" and Lake MHA has not indicated intent to terminate assistance and/or terminate tenancy (eviction); and
11. The family agrees to participate and participates in a review meeting at least every 90 days or upon request by Lake MHA.

If the Request for the Financial Hardship Exemption (General Relief) is approved, Lake MHA will reduce Annual Income by the verified amount of qualified expenses that exceed 5% of the family's Annual Income instead of reducing Annual Income by the verified amount of qualified expenses that exceed 10% of the family's Annual Income.

The Financial Hardship Exemption ends at the earliest of:

- Ninety (90) calendar days from the Effective Date of the Certification implementing the exemption;
- Such time Lake MHA determines the need for the Financial Hardship Exemption no longer exists and the family is able to pay their rent without the Financial Hardship Exemption;
- Assistance is terminated;
- The resident fails to meet with property staff or provide information/signatures, as required, at least every 90 days or upon request from Lake MHA.

The resident may request and Lake MHA may extend the Financial Hardship Exemption (General Relief), for increments of no more than 90 days, based on the parameters outlined in Lake MHA's Hardship Exemption Policy. There is no limit to the number of times the Hardship Exemption may be extended.

Please see the property Hardship Exemption Policy for a more detailed explanation. To request a Hardship Exemption please contact the property staff for a Hardship Exemption Request.

### **RENT CALCULATION (ALL SECTION 8 PROGRAMS REQUIRED)**

The Total Tenant Payment (TTP) will be calculated in compliance with HUD rules. This means that the family will pay the greater of:

1. 10% of Monthly Income;
2. 30% of Monthly Adjusted Income; or
3. Welfare rent (welfare recipients in as-paid localities only); or



4. The \$25 minimum rent (Section 8 only).

In some cases, HUD may provide a Utility Allowance as well. Utility Allowances are deducted from the Total Tenant Payment to determine the Tenant Rent paid each month.

When the rent calculation described above results in a Tenant Rent that is equal to or more than the unit Gross Rent, HUD housing assistance will be terminated for all Section 8 programs except Component 1 PH to PBRA RAD.

Lake MHA is required to ensure that residents pay the correct Tenant Rent based on HUD's requirements.

**SECTION 8 MINIMUM RENT HARDSHIP EXEMPTION**

Lake MHA, may, at Lake MHA's discretion, grant a Hardship Exemption waiving a family's requirement to pay Section 8 Minimum Rent.

Lake MHA will grant a Section 8 Minimum Hardship Exemption if:

1. The resident or applicant requests a Minimum Rent Hardship Exemption; and
2. The net Cash Value of Assets for the entire family is \$50000 or less; **and**
3. The family's total Annual Income is at or below the current Extremely-low Income Limit, **and**
4. Lake MHA must waive the Section 8 Minimum Rent for any family unable to pay due to a long-term Financial Hardship, including the following:
  - a. The family has lost federal, state, or local government assistance or is waiting for an eligibility determination.
  - b. The family would be evicted if the minimum rent requirement was imposed.
  - c. The family income has decreased due to a change in circumstances, including but not limited to loss of employment.
  - d. A death in the family has occurred.
  - e. Other applicable situations, as determined by HUD, have occurred.
5. The resident participates in a review meeting;
6. The resident provides required information and signatures within ten (10) business days;
7. The resident has not provided Notice to Move;
8. The resident is a resident in good standing and Lake MHA has not indicated intent to terminate assistance and/or terminate tenancy (eviction);
9. The resident agrees to participate and participates in a review meeting at least every 90 days or upon request by Lake MHA.

When an applicant or resident requests a Section 8 Minimum Rent Hardship Exemption, Lake MHA must waive the minimum \$25 rent charge beginning the month immediately following the applicant/resident's request and implement the TTP calculated at the higher of:

- 30% of adjusted monthly income or
- 10% of gross monthly income (or the welfare rent).

The Tenant Rent will not be reduced to zero unless those calculations all result in zero.

Lake MHA may request reasonable documentation of the hardship in order to determine whether there is a hardship and whether it is temporary or long term in nature.



If Lake MHA determines there is no hardship, as covered by the statute, Lake MHA must immediately reinstate the Section 8 Minimum Rent requirements. The resident is responsible for paying any minimum rent that was not paid from the date minimum rent was suspended.

If Lake MHA determines that the hardship is temporary, Lake MHA may not impose the Section 8 Minimum Rent requirement until 90 days after the effective date of the certification granting the S8 Minimum Rent Hardship Exemption. At the end of the 90-day period, the tenant is responsible for paying the Section 8 Minimum Rent, retroactive to the initial date of the suspension.

If the hardship is determined to be long term, Lake MHA will exempt the resident from the Section 8 Minimum Rent requirement starting with the effective date of the certification granting the S8 Minimum Rent Hardship Exemption. The Section 8 Minimum Rent Hardship Exemption may be effective until such time that the hardship no longer exists.

Lake MHA will meet with the resident every 90 days, while the suspension lasts, to verify that circumstances have not changed. The length of the Section 8 Minimum Rent Hardship Exemption may vary from one family to another depending on the circumstances of each family.

#### **FAIR HOUSING POLICIES**

Information about fair housing and civil rights protections are included in Appendix A and Appendix D of this Tenant Selection Plan.

#### **ELIGIBILITY REQUIREMENTS**

Based on federal regulations, Lake MHA may admit only eligible applicant families. In the selection of applicant families for admission, eligibility criteria have been established in accordance with HUD guidelines.

The following eligibility standards will be applied in accordance with HUD requirements:

1. At MI/IC - The family/household's Annual Income must not exceed program Income Limits.
2. The family must qualify based on the Asset Restrictions established by HUD.
3. The household size must be appropriate based on the available apartments. *(See OccupancyStandards)*
4. Applicants and residents must disclose SSNs and provide verification of the complete and accurate SSN assigned for all household members.
5. The Head-of-Household, co-HOH/spouse, regardless of age and all adults in each applicant family must sign a Consent for the Release of Information prior to receiving assistance. Information provided by a family/household is subject to verification. <https://www.hud.gov/sites/documents/9887.PDF>
6. Only U.S. citizens or eligible noncitizens may receive assistance under all Multifamily Housing Programs except PRAC, PAC, 202 without assistance and 221(d)(3) BMIR programs.
7. Students enrolled in an institute of higher education must meet program eligibility requirements.
8. The unit for which the family/household is applying will be the family/household's only residence.
9. Residents must agree to pay the Tenant Rent (TR).
10. No applicant/resident may be subject to state lifetime sex offender registration.
11. No applicant may be using marijuana at the time of eligibility determination.
12. All information reported by the household is subject to verification.





**PROPERTY ELIGIBILITY DEFINITION**

**HOUSEHOLD/TENANT TYPE**

This Section 8 property is designed to provide housing to low-income families who meet the eligibility and screening requirements set forth in this Tenant Selection Plan. Eligibility requirements may change at any time when HUD issues new guidance.

**INCOME LIMITS**

Income limits vary by household size. Lake MHA will provide applicants a copy of the current income limits for the property area upon request. In addition, applicants can review the income limits by accessing Lake MHA’s web site at [www.lakehousing.org](http://www.lakehousing.org) or HUD’s web site at <https://www.huduser.gov/portal/datasets/il.html>.

Income limits are updated at least annually. HUD requires that property managers incorporate the most recently published income limits when determining eligibility.

For this program, qualified an applicant family’s income must be at or below the following income limit requirements:

Subsidy	Type of Income Limit
Section 8 (pre-1981)	<b>Low</b> – 80% of median income <b>Very-low</b> – 50% of median income <b>Extremely-low</b> – very-low income household whose income equals or is less than the greater of poverty level or 30% of median income

**OCCUPANCY STANDARDS**

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that tenants are treated fairly and consistently and receive adequate housing space.

Below, please find this property’s occupancy standards description:

Number of Bedrooms	Min. # Household Members	Max. # Household Members
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

**Exceptions to the Occupancy Standards**

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available unless a reasonable accommodation is necessary.

When an exception to the occupancy standards is requested by the family, consideration will be given to the request if the request is based on the disability-related need of a family member. For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function. In some circumstances, to prevent vacancies, management may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller





unit when the smaller unit becomes available. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-I.B) and the family does not want to transfer to a larger size unit. Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

When evaluating exception requests management will consider the size and configuration of the unit. In no case will management grant an exception that is in violation of local housing or occupancy codes, regulations, or laws. All requests for exceptions to the occupancy standards must be submitted in writing and include the justification for the request. Lake MHA will notify the family of its decision within 10 business days of receiving the family's request. Requests for reasonable accommodation will be addressed according to the Reasonable Accommodation Policy.

### **VERIFYING THE NEED FOR AN ACCESSIBLE UNIT**

When an applicant family requests an accessible unit or a unit preference, such as a first-floor unit, Lake MHA will conduct inquiries to:

1. Verify that the applicant family is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability
2. Verify that a member needs the features of the unit as an accommodation to his or her disability

### **DISCLOSURE AND VERIFICATION OF SOCIAL SECURITY NUMBERS**

All household members receiving HUD housing assistance or applying to receive HUD housing assistance are required to provide a Social Security Number and adequate documentation necessary to verify that number.

This rule applies to all household members including live-in aides, foster children and foster adults. Adequate documentation includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:

- Original Social Security card
- Driver's license with SSN
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union.
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

If the applicant cannot provide any of the above, the applicant will advise Lake MHA. Lake MHA may accept self-certification of SSN *and* at least one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual. *When none of the other accepted methods is available and if verifying an individual's SSN using this method, Lake MHA must document why the other SSN documentation was not available. If the resident's SSN becomes verified in HUD's Enterprise Income Verification System (EIV), then no further verification is required. If the resident's SSN fails the SSA identity match, then Lake MHA must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state*



government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The resident family's assistance must be terminated if any member fails to provide the required documentation (some exceptions apply).

#### **EXCEPTIONS TO DISCLOSURE OF SOCIAL SECURITY NUMBER**

The Social Security Number requirements do not apply to:

1. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010;
2. Individuals who do not contend eligible immigration status;
3. A child under the age of 6 years added to the applicant family 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 Lake MHA terminate assistance.
4. A minor under the age of 6 years being added to the household after move-in. The household will have a maximum of 90-days after adding the child 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 Lake MHA terminate assistance.
5. Foster children or adults when:
  - The foster agency will not provide the SSN or adequate documentation to verify the SSN; and
  - HUD approves.

If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant family must be offered the available unit.

All non-exempt household members have ninety (90) days-from the date they are first notified that a unit is available-to provide documentation necessary to verify the Social Security Numbers. During this 90-day period, the household may retain its place on the waiting list but will not be considered again until the required documentation is provided.

If, after ninety (90) days, the applicant family is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the household will be determined ineligible and removed from the waiting list. The applicant family may apply again, after obtaining the appropriate documentation. The applicant family will be placed on the waiting list based on the date and time the **new** Pre-Application or Application is received.

#### **SECONDARY VERIFICATION OF THE SOCIAL SECURITY NUMBER**

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 (EIV) 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 improper payment must be returned to HUD.



If an applicant/resident deliberately provides an inaccurate Social Security Number, Lake MHA and/or HUD may pursue additional penalties due to attempted fraud.

### **CITIZENSHIP/IMMIGRATION STATUS REQUIREMENTS**

Applicants are required to declare U.S. citizenship or submit evidence of eligible immigration status for each household member seeking housing assistance. Lake MHA is required to obtain the following:

1. Family Summary Sheet (*lists all household members who will reside in the assisted unit*)
2. Citizenship Declaration - Each household member listed on the Family Summary Sheet must complete a declaration of citizen or non-citizen status
3. Forms and/or evidence of citizen/immigration status as required by HUD

Additional information regarding submission and verification of proof of citizenship status or eligible non-citizen status can be found in Appendix B.

If any applicant has questions or experiences difficulty providing the described information or determining the type of documentation required, the applicant should contact the management office. If any applicant is unable to provide the required documentation in the timeframe indicated in Appendix B, the applicant must contact the management office to request an extension. If any applicant fails to provide this information in the timeframes described, Lake MHA cannot provide assistance and the applicant family will be rejected.

Lake MHA will offer the household assistance, providing subsidy to those eligible household members whose documents were received on time, when the following criteria is met:

1. At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this Tenant Selection Plan
2. Assistance/unit is available
3. The household is the next household to be selected from the waiting list

Citizenship eligibility must be reviewed after move-in if eligibility status can change. If any household member is determined to be an ineligible non-citizen, either at Pre-Application or Application or after move-in, assistance and/or tenancy may be denied, terminated or prorated as appropriate.

### **HOME OWNERSHIP - REAL PROPERTY RULE**

A dwelling unit may not be rented and assistance may not be provided to any family if any member has a present ownership interest in, legal right to reside in, and the effective legal authority to sell real property, in the jurisdiction in which the property is located, that is suitable for occupancy by the family as a residence. This includes, but is not limited to a home, condominium, townhome, duplex, mobile home, etc. This restriction does not apply if:

1. The property is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the person resides in the jointly owned property;
2. The property is not large enough for the size of the family;
3. If there are any disabled family members, the home does not provide for the disability-related needs. (*e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.*);
4. The property is currently offered for sale. Under this proposed rule, in order to demonstrate that a family is offering property for sale, Lake MHA may require that the family provide evidence that the property has been listed for sale;



5. The property is considered unsafe to reside in when the property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied;
6. The family may not reside in the property under State or local laws of the jurisdiction where the property is located;
7. The property is owned by a survivor of a VAWA crime (*domestic violence, dating violence, sexual assault, stalking*) and such status prevents access to or use of the home or is there a possibility that the survivor could be in imminent danger if the survivor attempted to access the home;
8. The property is located so that the distance or commuting time between the property and the family's place of work or a family member's educational institution would create a hardship for the family? (*e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by Lake MHA*);
9. The property is a manufactured home for which the family is receiving Section 8 tenant-based assistance;
10. The family receives homeownership assistance from a PHA;
11. The property is a part of an irrevocable trust.

**LIMITED ENFORCEMENT OF THE REAL PROPERTY RULE AFTER MOVE-IN/INITIAL CERTIFICATION**

Lake MHA will review the family's eligibility, based on the Real Property Rule, at each Interim and Annual Recertification. If the family is no longer eligible for HUD Section 8 housing assistance, Lake MHA will provide the family with no more than six months to take steps to become eligible again ("cure"). Lake MHA cannot provide advice about how to "cure".

If, after six months, the family is still not eligible, Lake MHA will begin the process to terminate assistance in accordance with HUD's requirements.

**RESTRICTIONS BASED ON NET ASSETS - ASSET CAP**

A dwelling unit may not be rented, and assistance may not be provided, either initially or upon reexamination of family income, to any family if the Net Cash Value Of Included Assets exceeds the current Asset Cap established by HUD (certain assets are excluded). This "cap" may be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD. (The Asset Cap established by HUD for 2024 is \$100,000).

Certain assets are excluded when determining the net cash value of assets. Excluded assets include, but are not limited to:

- ABLE Accounts;
- Amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty that resulted in a member of the family being disabled;
- Value of any Coverdell Education Savings Account or any qualified tuition program under Section 529;
- Family Self Sufficiency Escrow Accounts (FSS);
- Interest in Indian Trust land;
- Irrevocable Trust;
- Revocable Trusts when no one in the family controls the trust;
- Retirement Accounts as defined by the IRS;
- Real property when the family does not have legal authority to sell such property;
- Equity in property for which a family receives HCV homeownership assistance from a PHA;
- Equity in a manufactured home where the family receives Section 8 tenant-based assistance;
- Other assets as announced by HUD through Federal Register Notice.



### **LIMITED ENFORCEMENT OF THE ASSET CAP AFTER MOVE-IN/INITIAL CERTIFICATION**

Lake MHA will review the family's eligibility, based on the Asset Cap, at each Interim and Annual Recertification. If the family is no longer eligible for HUD Section 8 housing assistance, Lake MHA will provide the family with no more than six months to take steps to become eligible again ("cure"). Lake MHA cannot provide advice about how to "cure".

If, after six months, the family is still not eligible, Lake MHA will begin the process to terminate assistance in accordance with HUD's requirements.

Applicants and residents should not give away assets in an attempt to "cure". Residents must understand that Lake MHA will continue to count any asset, disposed for less than fair market value, for two years from the date of divestiture.

If the family is unable to "cure" and the Net Cash Value of Included Assets exceeds \$100,000 (subject to annual adjustment by HUD), then Lake MHA will begin the process to terminate assistance in accordance with HUD's requirements.

### **ELIGIBILITY OF STUDENTS ENROLLED AT AN INSTITUTE FOR HIGHER EDUCATION**

Student eligibility is determined at move-in/initial certification and at each Annual Recertification. Student eligibility may also be reviewed at Interim Recertification if student status has changed since the last certification.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student:

1. Is living with his or her parents who are receiving Section 8 assistance;
2. Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance;
3. Is a graduate or professional student;
4. Is a veteran of the United States military or is an active member of the United States military;
5. Is married;
6. Has a dependent other than a spouse (e.g., dependent child);
7. Is at least 24 years old or older by December 31 of the award year;
8. Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
9. Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  - a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
  - c. 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



- i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
  - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
  - iii. 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
  - iv. A financial aid administrator; or
10. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

**NOTE:** An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

#### **STUDENT FINANCIAL ASSISTANCE**

Student financial assistance that is not specifically excluded will be included as part of the family's Annual Income unless the student is the HOH, co-HOH/spouse and is over 23 (24 or older) with a dependent child.

For Section 8 programs, any financial assistance that is provided through a qualified Coverdell Education Savings Account (ESA) or other qualified ESA, is excluded when determining Annual Income for the family.

Any financial assistance a student receives (1) from private sources, (2) from an institution of higher education, or (3) under the Higher Education Act of 1965, that is in excess of amounts received for tuition and other qualified fees, is included when determining Annual Income for the family, except if the student is the HOH, co- HOH or spouse and is over the age of 24 with a dependent child or children (as defined by HUD).

Student financial assistance that is provided by persons not living in the unit is not part of Annual Income if the student meets the Department of Education's definition of "vulnerable youth".

Covered fees include tuition, books, supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and fees required and charged to a student by an institution of higher education (as defined under section 102 of the Higher Education Act of 1965). For a student who is not the Head-of-Household, Co-HOH/Spouse, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

#### **PROHIBITION OF ASSISTANCE TO NONCITIZEN STUDENTS**

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

1. A resident of another country to which the individual intends to return;



2. A bona fide student pursuing a course of study in the United States; and
3. A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

### **PROCEDURES FOR TAKING APPLICATIONS**

It is Lake MHA's policy to accept and process Pre-Applications or Applications in accordance with HUD guidance. Lake MHA will make a reasonable accommodation to assist in the Pre-Application or Application process if the applicant or any member of the applicant family is disabled.

- Upon request, Lake MHA will provide interested parties with a paper copy of the Pre-Application Package or Application Package. Applicants may make an appointment to pick up a Pre-Application Package or Application Package or may call the property management staff and request a paper copy (when the waiting list is open).
- Upon request, Lake MHA will provide interested parties with an electronic copy of the Pre-Application Package or Application Package. Applicants may contact the property management staff and request an emailed copy (when the waiting list is open).
- Applicants may apply through our Applicant Portal at [www.lakehousing.org](http://www.lakehousing.org) (when the waiting list is open).

Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the Pre-Application Package or Application Package.

All adult applicants must complete the Application Package as instructed.

Lake MHA requires applicants to provide a government issued photo ID - used for verifying the identity of all applicants. A copy of the applicant's ID may be provided using one of several alternatives including in-person or online means.

In some cases, and when appropriate, this ID may also be used to verify age and citizen/non-citizen eligibility status.

Lake MHA may require a birth certificate or other like documentation that can be used to verify age, citizen/non-citizen eligibility status and relationship to other household members as required by HUD.

Because Pre-Applications or Applications include Personally Identifiable Information (PII), applicants must not submit Pre-Application Packages or Application Packages via email unless all attachments have been password protected and encrypted using an NIST compliant encryption solution.

All Pre-Applications or Applications can be submitted:

1. Through a secure Applicant Document Portal; or
2. Through our Applicant Portal.





If applicants wish to submit a Pre-Application or Application through a secure Applicant Document Portal, please contact the property management staff for access information. If any applicant would like to submit a Pre-Application Package or Application Package electronically, he/she may do so by visiting our Applicant Portal at [www.lakehousing.org](http://www.lakehousing.org).

Lake MHA will accept the Pre-Application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability.

All documents in the Pre-Application Package must be **completed in full**, signed, and dated in order to be accepted. Applicants **will not** be added to the waiting list until all Pre-Application forms have been properly completed and signed as appropriate.

#### **INCOMPLETE APPLICATIONS**

Incomplete Pre-Application Packages will be returned without consideration. Additionally, Lake MHA will not accept any Pre-Application submitted through the Applicant Portal that is not complete (including signature) or is missing required documents.

#### **PRELIMINARY 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.

Upon receipt of the completed Pre-Application, Lake MHA will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. Lake MHA will review the Pre-Application to ensure that there are no obvious factors that would make the applicant family ineligible.

If a preliminary eligibility review indicates that a household appears eligible for tenancy, but units of appropriate size are not available, Lake MHA will place the household on the waiting list for the property and notify the household when a suitable unit becomes available.

If no appropriate unit exists in the property, Lake MHA will reject the applicant family.

#### **FINAL DETERMINATION OF ELIGIBILITY**

When a unit becomes available, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the Pre-Application or Application will be approved.

All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history and criminal history.

Criminal screening is conducted before all other screening and before Lake MHA begins the processes required to make a final determination of eligibility.

If criminal history is not acceptable, Lake MHA will notify the applicant by rejecting the Pre-Application or Application as required by HUD and indicated in the description below. Lake MHA will not conduct additional screening and will not take additional steps to determine eligibility. If criminal history is acceptable, Lake MHA will conduct landlord screening.





If landlord screening is not acceptable, Lake MHA will notify the applicant by rejecting the Pre-Application or Application as required by HUD and indicated in the description below. Lake MHA will not take steps to determine eligibility. If landlord screening is acceptable, Lake MHA will complete the remaining tasks necessary to determine eligibility.

### **LIVE-IN AIDES**

Applicants must contact the management office staff if a live-in aide will be moving into the unit. If the family plans to include a live-in aide, the live-in aide is not required to complete the same Pre-Application or Application forms. Live-in aides must complete the Live-in Aide Application and participate in screening and other verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide.

The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the tenant is absent for an extended period of time or if the tenant leaves for any reason. The live-in aide will be required to sign an acknowledgement the live-in aide has no right of residency or occupancy if the tenant is absent or if the tenant moves out for any reason including death.

### **WAITING LISTS**

To ensure that applicant families are appropriately and fairly selected for the next available unit (*when a unit of the appropriate size or type is not available at the time of Pre-Application*), it is essential for Lake MHA to maintain waiting lists. Lake MHA will place the applicant family on the waiting list after preliminary eligibility determination is complete.

Applicants will have the option of specifying a desired unit size or multiple unit sizes when completing the Pre-Application. The applicant family will be placed on the waiting list for all requested unit sizes/types as long as:

- The applicant family meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open

The Head-of-Household (HOH) will be contacted for the first unit that becomes available based on the selection guidelines described in this plan.

### **MAINTAINING WAITING LISTS**

It is the policy of Lake MHA to administer its waiting list as required by HUD handbooks and regulations. Lake MHA will update the waiting list by removing the names of applicant families based on the requirements set forth in this plan.

Lake MHA will contact each applicant family annually. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

If this letter is unable to be delivered by the United States Postal Service, the applicant family will be rejected and the household will be removed from the waiting list.

If the Head-of-Household (HOH) fails to respond to Lake MHA inquiries regarding the desire to remain on the waiting list, the applicant family will be rejected and the household will be removed from the waiting list.



In addition, an adult member of the applicant family must contact Lake MHA, in writing, if household information changes (i.e. number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, Lake MHA will:

1. Update the waiting list information and
2. Decide whether the household needs the same or a different unit

If, as a result of the household composition change, it is determined that the applicant family will be on the waiting list for a different unit type/size than originally indicated, the applicant family will be moved to the correct/updated waiting list based on preferences and the date and time of original application.

### **REMOVING APPLICANTS FROM THE WAITING LIST**

Lake MHA will remove an applicant family's name from the waiting list when any of the following apply:

- Applicant family requests removal
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property
- Applicant family fails to meet eligibility requirements
- Applicant family fails to meet occupancy standards
- Any individual applicant fails to meet screening requirements
- Applicant family is rejected for any reason described in this plan
- Applicant family cannot be contacted by US Mail (letters are returned or undeliverable)
- Applicant family cannot be contacted by phone (number disconnected or changed) or other electronic means including email.
- Applicant family fails to keep Pre-Application or Application information up to date based on the requirements described in this plan
- Applicant family was clearly advised, in writing, of the requirement to tell Lake MHA of his/her continued interest in housing by a particular time and failed to do so
- Applicant family refused second offer of a unit (See Right to Refusal Policy for additional information.)

If an applicant family is removed from the waiting list, and subsequently Lake MHA determines that an error was made in removing the applicant family, the applicant family will be reinstated at the original place on the waiting list.

If an applicant family is removed from the waiting list, and later, the applicant family feels that they are now qualified for assistance/tenancy, the applicant family must submit a new Pre-Application. The applicant family will be placed on the waiting list, as necessary, based on the submission date and time of the **new** Pre- Application.

In addition, if an applicant family previously accepted a unit offered by Lake MHA and the applicant family failed to take possession of the unit on the agreed upon date without notice to Lake MHA, Lake MHA reserves the right to refuse all future Pre-Applications/Applications.

### **SELECTING APPLICANT FAMILIES FROM THE WAITING LIST**

When a unit becomes available, Lake MHA will contact a group of applicant families who are next on the waiting list (*based on the selection criteria described in this plan*) to complete the final eligibility interview. All adult household members will be required to meet with management for this eligibility interview. Applicant families pulled from the waiting list will be expected to complete the final eligibility process. When an applicant family



from that group of families has completed the final eligibility determination, they will be offered an appropriate unit. If an applicant family completes the final eligibility process and a unit is no longer available, they will be returned to their previous position on the waiting list.

No decisions to offer the unit shall be made until all information presented by the applicant family has been verified and the final eligibility determination is complete.

### **INCOME TARGETING**

Based on the HUD contract for this property, Lake MHA is required to comply with the Income Targeting Requirement. Income Targeting requires that Lake MHA implement policies to ensure that, during the property fiscal year, 40% of all applicant families that move into the property or who begin receiving assistance fall within the Extremely Low-Income Limits for the area where the property is located.

At this time, no special selection methods are required to meet the Income Targeting requirements.

Lake MHA is required to monitor compliance throughout the year. If, after periodic review, Lake MHA discovers that the Income Targeting Requirement will not be attained, Lake MHA will only select, in order, those applicant families whose income falls within the extremely-low income levels. Once the Income Targeting Requirement is met, Lake MHA will return to the “natural” selection order.

### **PREFERENCES**

Applicant families with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

Assigning preferences to applicant families who meet certain criteria is a method intended to provide housing opportunities to applicant families based upon household circumstances.

Preferences affect only the order applicant families are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they, in any way, interfere with affirmative marketing efforts or fair housing requirements.

### **LAKE MHA-ADOPTED PREFERENCES – UNIT TRANSFER FOR CURRENT TENANTS**

Internal unit transfers will be given priority for available units over applicants on the regular waiting list. Internal unit transfers will be maintained through an internal transfer waiting list, separate from general admissions.

The internal transfer waiting list will be based on preference for extenuating circumstances, stated below, and date and time the completed Unit Transfer Request is received.

These existing tenants will be placed first, and given priority over other transfer requests.

- VAWA Emergency Transfer
- Right to Return tenants
- Residing in a unit that has been determined uninhabitable due to flood, fire, or other natural disaster
- When a unit is designated for rehabilitation or repair
- Verified need for an accessible unit, reasonable accommodation, or medical need
- Tenant is currently living in an accessible unit and no longer needs the features



- Under housed (unit is too small)
- Over housed (unit is too large)

These situations represent extenuating circumstances and the normal internal transfer selection order may be adjusted to address the needs of these tenants. General unit transfer requests will be placed on the unit transfer waiting list based on date and time of request.

**VAWA Emergency Transfer (Internal Transfer):** In some cases, families that qualify for a VAWA Emergency Transfer may receive preference over other tenants who have requested a unit transfer. Selection will be based upon the date and time the completed VAWA Emergency Transfer Request was received. Please see the VAWA Policy and/or contact Lake MHA staff for additional information.

**Preference for Tenants Who Qualify Based on HUD's Right to Return Rules:** Part of the Rental Assistance Demonstration (RAD) allows Lake MHA to relocate tenants who were in place, at the time of conversion from Public Housing to the PBRA RAD program, in order to complete rehabilitation of the units/property. If a tenant is relocated due to rehab and the tenant wishes to return to the property, Lake MHA will offer a unit to the returning tenant before offering a unit to a current tenant pending transfer (other than a VAWA Emergency Transfer) or an applicant on the waiting list.

**Unit Transfer Preference:** Tenants who have submitted a Unit Transfer Request and who are deemed eligible for the transfer are given preference on the internal transfer waiting list. This means that a tenant transferring from one unit to another will be offered a unit before an applicant family.

#### **LAKE MHA-ADOPTED PREFERENCES – EXTERNAL APPLICANTS**

When offering a unit, Lake MHA will consider tenants requesting an internal transfer, as stated above, over applicant families who qualify for preference and over applicant families who do not qualify for any of the preferences described above.

Applicants will be listed on the waiting list according to preference points, stated below, followed by date and time of pre-application acceptance. Applicants may qualify for up to six (6) preference points.

**Veterans' preference:** for veterans and persons serving in the active military or naval service of the United States, and families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death, as defined in Ohio Revised Code 3735.42. (2 points)

**Residency preference:** for families who live, work, or have been hired to work in the jurisdiction, specifically Lake County. (2 points)

**VAWA preference:** for families that include a family member who is a victim of domestic violence, dating violence, sexual assault, or stalking. (2 points)

Applicant families who qualify for the above preferences will be placed on their preferred waiting list (based on unit size) based on number of preference points and then by date and time the completed Pre-Application or Application is received.

Applicant families who do not qualify for the preferences listed above will be placed next based on the date and time the completed Pre-Application or Application is received.



Accessible units will always be offered to tenants and applicant families who need the features of the accessible unit before they are offered to tenants and applicant families who do not need the features of an accessible unit.

#### **VERIFICATION OF PREFERENCES**

All preferences will be verified using the verification methodology described in this Tenant Selection Plan.

#### **WHEN A REQUEST FOR PREFERENCE IS DENIED**

If it is determined that an applicant does not meet the criteria for receiving a preference, the applicant family will receive notice of this determination within ten (10) business days. The notice will contain the reasons for the determination. The applicant family has the right to meet with Lake MHA representative to review or appeal the decision.

#### **CHANGE IN PREFERENCE STATUS WHILE ON THE WAITING LIST**

Occasionally applicant families on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact Lake MHA so that their change in status may be verified and the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the applicant family does now qualify for a preference, they will be selected from the waiting list in accordance with the preference and the date the Pre-Application or Application was received.

#### **OPENING AND CLOSING WAITING LIST**

In order to ensure that applicant families on the waiting list are processed in a reasonable amount of time, Lake MHA may stop accepting Pre-Applications or Applications and close waiting lists in whole or in part. Decisions about closing and opening the waiting list will be based on the number of Pre-Applications or Applications available for a particular size and type of apartment and the ability of Lake MHA to house an applicant family in an appropriate apartment within a reasonable period of time.

Lake MHA will use a twelve (12) month waiting period to determine whether the waiting list may be closed. If Lake MHA has sufficient Pre-Applications or Applications, the waiting list may be closed completely. Notices announcing that the waiting list is closed or open will be publicly announced in the following manner:

- The property web site
- Local newspapers
- Publications described in the Affirmative Fair Housing Marketing Plan
- Flyers distributed in applicable neighborhoods

Interested parties who insist on submitting Pre-Applications or Applications when the waiting list is closed will not be considered. The Pre-Application or Application **will not be reviewed** and will be returned.

During the period when the waiting list is closed, Lake MHA **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.



## **PRIVACY POLICY**

It is the policy of Lake MHA 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 Lake MHA.

Unless the individual about whom information is requested gives consent to such disclosure, neither Lake MHA or its agents shall disclose any personal information to any person or agency, other than:

- Staff associated with the property as appropriate;
- Service providers as appropriate;
- HUD;
- HUD's agents;
- Contract Administrators;
- Other federal/state entity or investor auditing entities.

The Privacy Act in no way limits Lake MHA's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

## **VERIFICATION**

Lake MHA shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve a Pre-Application or Application shall be made until information provided on the Pre-Application or Application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed.

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

## **INFORMATION TO BE VERIFIED**

Information to be verified includes, but is not limited to:

- 1) Eligibility for Admission, such as
  - a) Income
  - b) Assets and Asset Income
  - c) Identification
  - d) Age
  - e) Household Composition
  - f) Social Security Numbers
  - g) Citizenship And/or Legal Status
  - h) Student Status
  - i) Current HUD Assistance
- 2) Allowances, such as
  - a) Age
  - b) Disability
  - c) Full Time Student Status
  - d) Child Care Expenses
  - e) Disability Assistance Expenses
  - f) Medical Expenses
- 3) Preferences
- 4) Compliance with Tenant Screening Guidelines, such as



- a) Criminal History
  - b) Rental/Residence History
- 5) The Need for an Accessible Unit

**METHODS OF VERIFICATION**

Verifications will be attempted as follows:

When verifying income at Move-in/Initial Certification, Annual Recertification and Interim Recertification, Lake MHA may determine a family's annual income, including income from assets, prior to the application of any deductions based on income determinations made within the previous 12-month period, using income determinations from the following types of means-tested federal public assistance programs:

- a. The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- b. Medicaid (42 U.S.C. 1396 et seq.).
- c. The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- d. The Earned Income Tax Credit (26 U.S.C. 32).
- e. The Low Income Housing Tax Credit (26 U.S.C. 42).
- f. The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786).
- g. Supplemental Security Income (42 U.S.C. 1381 et seq.).
- h. Other programs administered by the Secretary.
  - i. HUD's Public & Indian Housing Program using HUD form 50058;
  - ii. HUD's Multifamily Housing Programs using HUD form 50059;
  - iii. The Treasury's Low Income Housing Tax Credit Program (26 U.S.C. 42) TIC.
- i. Other means-tested forms of federal public assistance for which HUD has established
- j. a memorandum of understanding.
- k. Other federal benefit determinations made by other means-tested federal programs that
- l. the Secretary determines to have comparable reliability and announces through a
- m. Federal Register notice.

The Means-tested verification must state the family size, must be for the entire family (i.e., the family members listed in the documentation must match the family's composition in the assisted unit, except for non-family members), and must state the amount of the family's Annual Income. The Annual Income need not be broken down by family member or income type.

Annual income includes income earned from assets, therefore when using Means-tested Verification (also known as Safe Harbor) to verify a family's income, Lake MHA will not inquire about a family's net family assets, nor about the income earned from those assets. For any applicants applying for HUD's Section 8 assistance, the owner/agent will confirm that:

- n. The net cash value of all family assets does not exceed HUD's current Asset Cap; and
- o. That no member of the applicant family owns real property suitable for occupancy (See the explanation of the Real Property Rule as explained in this document).

The Means-tested Verification (Safe Harbor) must show that the family's income determination was made within the 12 months prior to the receipt of the verification by Lake MHA. The Means-tested Verification (also known as Safe Harbor) documentation will be considered acceptable if any of the following dates fall into the 12-month period prior to the receipt of the documentation by the owner/agent.

- p. Income determination effective date;
- q. Program administrator's signature date;



- r. Family's signature date;
  - s. Report effective date; or
  - t. Other report-specific dates that verify the income determination date.
- u. The only information that Lake MHA is permitted to use to determine income under this Means-tested Verification (also known as Safe Harbor) is the total income determination made by the federal means-test program administrator. Other federal programs may provide additional information about income inclusions and exclusions in their documentation; however, these determinations and any other information **will not** be considered by Lake MHA for purposes of the Means-tested Verification (also known as Safe Harbor) provision. Lake MHA is not permitted to mix and match Safe Harbor income determinations and other income verifications;

Lake MHA will not use Means-tested Verification (Safe Harbor) when:

- v. The family wishes to use a Childcare Deduction when childcare enables a member to work;
  - w. The family wishes to use the Attendant Care & Auxiliary Apparatus Expense Deduction;
  - x. Any member of the family is participating in HUD's Family Self-Sufficiency (FSS) program.
2. **Upfront Income Verification (UIV)** using HUD's Enterprise Income Verification (EIV) system (EIV may be used as the sole verification of Social Security income);
  3. **Upfront Income Verification (UIV)** using non-EIV resources (e.g., Work Number, web-based state benefits system, etc.);
  4. **Written, third-party verification from the source, also known as "tenant-provided verification"**. An original or authentic document generated by a third-party source dated within 120 days of the date received by Lake MHA. (e.g., resident provided bank statement). For fixed-income sources, a statement for the appropriate benefit year is acceptable documentation. Lake MHA may also accept third-party verification directly from the verification source. For example, Lake MHA may (but is not required to) obtain verification of disability directly from a medical care provider (e.g., physician, physical therapist, etc.) or may accept a letter provided by the provider to the resident;
  5. **EIV with Self-Certification (Employment or Unemployment Income)**. The EIV Income Report may be used to verify and calculate income if the family self-certifies that the amount is accurate and representative of current income. The family will be provided with the information from EIV.
  6. **A Written Third-party Verification Form (as appropriate);**
  7. **Oral verification**. When verifying information over the telephone or via the internet, it is important to be certain that the person is the party he or she claims to be. When verifying information by phone, Lake MHA must record and include in the tenant's file the following information:
    - a. Third-party's name, position, and contact information;
    - b. Information reported by the third party;
    - c. Name of the person who conducted the telephone/internet interview; and
    - d. Date and time of the call.
  8. **Family Self-Certification**. In the absence of any of the above or as provided in HUD guidance, notarized or witnessed self-certification from the household member (*Lake MHA is not required to accept family/self-certification*). Except when accepted based on HUD guidance (e.g., Streamlining, Assets Disposed, etc.), when Lake MHA accepts Family Self-Certification, the tenant file will be documented, when appropriate, to show that staff attempted other acceptable verification before relying on family self-certification.

### **SOURCES OF INFORMATION**

Sources of information may include, **but are not limited to:**





- Any member of the applicant family
- Present and former housing providers/landlords
- Present and former employers
- Banks
- Insurance Companies
- Any Asset Manager
- Family members
- Any person or organization providing gifts/regular contributions to any member
- Credit Screening providers
- Criminal Screening providers
- Eviction Screening providers
- Social workers/Parole Officers
- Court records
- Drug Treatment Centers
- Health Providers
- Physicians
- Clergy
- Schools/Institutes of Higher Education
- Department of Homeland Security (DHS)
- Department of Health and Human Services (HHS)
- The Internal Revenue Service (IRS)
- The Social Security Administration (SSA)
- Medicare/Medicaid
- Representative of the United States Armed Forces
- Any federal/local benefit providers
- Pharmacies
- Utility Providers
- Local and non-local law enforcement
- Automated criminal databases
- Sexual Offenders registries when available
- The world wide web (internet)

Lake MHA will be the final judge of the credibility of any verification submitted by an applicant. If Lake MHA questions the validity of a document or the validity of information provided, it will be reviewed by management staff for a ruling regarding acceptability.

**PERIOD FOR VERIFICATION**

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

**CONSENT AND VERIFICATION FORMS**

Regardless of age, the Head-of-Household (HOH), the co-Head-of-Household (HOH) the spouse of the Head-of-Household (HOH) and all adult members of a household must sign HUD's consent forms so that Lake MHA can verify eligibility.

1. HUD-9887, *Notice and Consent for the Release of Information to HUD and to a PHA*



2. HUD-9887-A, *Applicant's/Tenant's Consent to the Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance*)

Consent and verification forms protect the rights and privacy of Tenants and applicants by allowing them to have control over any information collected about them.

All adult members of an applicant family or tenant household must also sign individual verification forms authorizing Lake MHA to verify household income and applicable eligibility factors (e.g., disability status) and to allow for screening.

**HUD 9887/9887A**

Currently, all adult applicants must sign HUD's 9887 and 9887A before being admitted to the housing program and at each Annual Recertification.

When HUD releases the HOTMA compliant 9887/9887A, the HOH, co-HOH/spouse (regardless of age) and all adult applicants must sign HUD's consent forms no later than the final eligibility interview. Applications for assistance (MI/IC) will not be considered until an executed 9887/9887A has been received from all family members as indicated above. After an applicant or resident has signed and submitted these consent forms, they do not need to sign and submit subsequent consent forms except under the following circumstances:

- When a new member is added to the unit if:
  - The new member is 18 years of age or older, or
  - The new member is the HOH, co-HOH/spouse regardless of age;
- When a member of the family turns 18 years of age;
- If the family's assistance is terminated and the family wishes to reinstate housing assistance; and
- As required by HUD in administrative instructions.

These consent forms contain provisions authorizing HUD and Lake MHA to obtain necessary information for verification of an application or to maintain a family's assistance, including income information and tax return information. The executed consent forms will remain effective until the family is denied assistance, or the assistance is terminated. If a family leaves a HUD program (moves-out), the family's assistance is considered to be terminated and the signed consent forms will no longer be in effect.

Any adult member of the family may provide written notification to Lake MHA to revoke consent. Upon receiving such notice, Lake MHA will notify HUD. Revoking consent makes the family ineligible and housing assistance will be terminated immediately. Termination will be completed in accordance with the HUD lease and HUD guidance. The resident will be provided with a 30-Day Notice of Termination of Assistance/Rent Increase as required.

If, subsequently, the family wishes to reapply for assistance, and when such assistance is available, the HOH, co-HOH/spouse and all adult members will be required to submit the signed 9887 documents with any documentation required to determine eligibility. Failure to do so will result in denial of assistance under HUD's program rules.

When a minor living in the unit turns 18, he/she will have thirty (30) days to meet with the management staff and sign appropriate forms. Failure to do so will result in Termination of Assistance for the entire family.

**OWNER/AGENT CREATED VERIFICATION FORMS**



Lake MHA may create verification forms for specific verification needs and must include the language required by HUD.

Applicants who refuse to sign consent forms are subject to rejection. Residents who refuse to sign consent forms are subject to termination of assistance.

Lake MHA created verification forms must clearly state that the applicant or resident is not required to sign the form if it does not clearly indicate who will provide the requested information and who will receive the information. Lake MHA will retain a copy of the verification form and provide a copy to the applicant or resident upon request.

**PROVISIONS FOR REFUSAL TO SIGN REQUIRED VERIFICATION FORMS**

If any member of the applicant family does not sign and submit the consent forms as required, Lake MHA must reject the Pre-Application or Application and deny assistance and/or tenancy.

**STREAMLINED DETERMINATION OF INCOME, STREAMLINED VERIFICATION OF ASSETS & STREAMLINED CERTIFICATION FOR FIXED INCOME FAMILIES**

Lake MHA has implemented the following Streamlining processes.

1. **Streamlined Determination of Fixed Income.** At move-in and at least every three years, Lake MHA will verify income from any fixed income source using verification methods described above. In Year 2 and in Year 3, Lake MHA will apply any published/documented COLA or Fixed Percentage Increase to the previous year's fixed income amount. For January – April certifications. Once the SS COLA is announced, the SS COLA will be applied for any certifications, for the award year, that were not complete on the date of the announcement.
2. **Streamlined Verification of Assets When the Net Cash Value of Assets Is At Or Below The Current Asset Threshold Established By HUD (Asset Threshold = \$50,000 in 2024 But Subject To Annual Adjustment by HUD).**  
At move-in and at least every three years, Lake MHA will verify the cash value of assets that are not specifically excluded, and will verify the income from those assets when possible. In Year 2 and in Year 3, Lake MHA will conduct such verification only if the net cash value of all family assets exceeds the current Asset Threshold. If the net cash value of all family assets (except those specifically excluded), is equal to or less than the current Asset Threshold, Lake MHA will accept the families notarized or witnessed self- certification providing the net cash value of assets not specifically excluded and any known income from those assets.

Lake MHA will not accept Self-certification of Assets at move-in.

3. **Streamlined Certification for Fixed Income Families.** When 90% or more of the total annual income is derived from a fixed income source (e.g., Social Security, Pension, Annuity), at move-in and at least every three years, Lake MHA will verify the cash value of assets that are not specifically excluded, any fixed income amounts and the amount of any income that is not fixed. In Year 2 and in Year 3, Lake MHA will apply Streamlined Determination of Fixed Income and Streamlined Verification of Assets. Lake MHA will also accept self-certification of amounts that are not fixed or Lake MHA will use the amount of income that is not fixed on the most recent 50059 in effect at the time of any certification interview.

Streamlined Verification of Assets and Streamlined Certification will not be utilized if any member of the family has received a lease violation for failing to fully and accurately report income information or if any



member of the family has been required to return an improper payment to the Department of Housing & Urban Development.

### **MISREPRESENTATION/ERRORS**

Any information provided by an applicant that proves to be untrue may be used to disqualify the applicant family because of misrepresentation or attempted fraud.

Lake MHA will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until Lake MHA has independently investigated the information. Lake MHA considers false information about the following to be grounds for rejecting an applicant family:

- Identity
- Social Security Numbers/Information
- Income/Assets/Income from Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility for Preferences and Priorities
- Allowances
- Current/Previous Residence History
- Current Housing Assistance
- Status as a Student
- Eligibility for the Phase-in Hardship Exemption.

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

### **ERRORS CAUSED BY A MEMBER OF THE RESIDENT FAMILY**

If Lake MHA suspects that a resident has inaccurately supplied or misrepresented information that affects the rent or a family's eligibility, Lake MHA must investigate and document the resident file.

If the resident family meets with Lake MHA to discuss the error, and the owner verifies the submissions were correct, Lake MHA will document the file accordingly and close the investigation.

If, after meeting with the resident family, the owner determines that the provision of inaccurate information was an unintentional program violation, Lake MHA will correct the rent calculation, if applicable, and provide the resident with notice of the change in rent. If the resident received an improper payment, the resident will be required to return that improper payment, in compliance with the HUD lease.

If the resident family is unable to repay the full amount, Lake MHA and resident(s) may enter into a repayment agreement.



If, If the family did not qualify for assistance at MI/IC or if, after the income adjustment, the family no longer qualifies for assistance, the family may remain in the property subject to making repayments and paying market rent.

If the Lake MHA determines the resident knowingly provided inaccurate or incomplete information, and this can be substantiated through documentation, Lake MHA will pursue the incident as fraud.

If any adult member of the family fails to meet with Lake MHA as requested, Lake MHA will initiate termination of tenancy (eviction) in compliance with HUD's guidance.

#### **ERRORS CAUSED BY THE OWNER/AGENT, A SERVICE BUREAU OR OWNER/AGENT SOFTWARE**

Lake MHA determines that an error was made, and the family was charged too much rent, Lake MHA will complete corrections to the prior certification(s) affected by the change. Once the corrections have been made, Lake MHA will determine the difference between the amount of rent paid and the rent that should have been paid.

- Lake MHA will request a meeting to discuss the error;
- Lake MHA will prepare corrections or new certifications that must be signed by all adult members within 10 business days of notification;
- Lake MHA will provide the family with written notification, which includes:
  - A notice of the change in rent, effective retroactively to when the error occurred;
  - The new monthly rent the resident is required to pay;
  - The amount of the overpayment of rent due; and
  - A form used by the family indicating whether the family wishes to:
    - Receive a full refund; or
    - Apply the overpayment to future monthly rent payments.

Please note that any credit/overpayment will be applied to any outstanding rent payment before calculating the amount due to the resident family.

If the determination of income should have resulted in a higher Annual Adjusted Income, Lake MHA will correct certifications or create new certifications as required. Families will not be required to repay Lake MHA in instances where Lake MHA has miscalculated income resulting in a family being undercharged for rent. The resident will not be required to pay a higher Tenant Rent until a 30-Day Notice of Rent Increase has been issued. The new Tenant Rent will be effective the first of the month after the 30 days.

#### **APPLICANT SCREENING CRITERIA**

Screening is performed in a manner that is reasonable, consistent, and complies with fair housing laws. Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all Tenants to peacefully enjoy their homes.

**Anyone who wishes to live on the property must be screened prior to moving in.** This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission.



### **SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

HUD has established standards that prohibit admission of:

1. Any applicant family in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity
2. An applicant family in which any member is currently engaged in illegal use of drugs or for which Lake MHA has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other tenants (Lake MHA has implemented a policy to address the term "currently engaged." "Currently engaged" will be indicated and investigated if there is a record of arrest or conviction within the last two (2) years)
3. Any applicant family member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other tenants. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse
4. Any applicant family that includes household member who is subject to any state lifetime sex offender registration requirement (household member may be removed). This information will be verified by searching the Dru Sjodin National Sex Offender Database ([www.nsopw.gov](http://www.nsopw.gov))

In addition to HUD requirements, Lake MHA has established a policy to reject all applicant families when any member of the applicant family has engaged in criminal activity as described in this document.

Lake MHA will reject Pre-Applications or Applications if any household member's criminal history includes one or more of the following:

1. Criminal activities resulting in felony conviction involving violence, potential violence, destruction of property, human trafficking, terrorist activities, weapons charges or the illegal distribution or manufacture of an illegal or controlled substance (Murder, Aggravated Assault, Child Abuse, Abduction, Abduction, Criminal Child Enticement, Gross Sexual Imposition, Unlawful Sexual Conduct, Domestic and Dating Violence, Kidnapping, Rape, Sexual Battery, Aggravated Arson, etc). Applicant families that include members with this type of criminal history will be automatically denied for a period of two years from conviction or exit from incarceration (whichever is later).
2. Criminal activities resulting in other felony convictions if the conviction or exit from incarceration occurred no less than one (1) year before the date of Pre-Application or Application. Lake MHA will consider extenuating circumstances when no additional criminal activity is indicated.

If Lake MHA is unable to complete the required criminal or sexual offender screening due to the applicant's failure to provide required information or release forms, the applicant family will be rejected.

If a tenant or applicant has requested VAWA protections and such protections have been justified based on Lake MHA investigation, the alleged abuser/perpetrator will not be approved to live on the property.

Lake MHA will review certain criminal history, based on HUD recommendations, for all adult household members at each Annual Recertification.

### **CONSIDERATION OF EXTENUATING CIRCUMSTANCES**

In deciding whether to exercise discretion to admit an individual or applicant family that has engaged in prohibited criminal activity, Lake MHA will, upon request, consider all of the circumstances relevant to the particular admission or eviction decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire applicant family would have on family members not involved in the criminal



activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, Lake MHA will, upon request, consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

### **CRIMINAL SCREENING DISCOVERIES**

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, Lake MHA will reject the applicant in accordance with HUD guidance and Lake MHA's standards for applicant rejection.

Before rejecting the applicant family, Lake MHA will compare the information provided by the applicant with the criminal history report. If the information conflicts, Lake MHA will:

- Notify the applicant family of the proposed action based on the information;
- Provide the content of the criminal record and information about how to obtain a copy of the information;
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- Allow the applicant family the opportunity to remove the household member.

In this situation, applicants will have ten (10) business days to contact Lake MHA and provide evidence to refute the criminal discovery. If the applicant fails to contact Lake MHA or indicates that he/she cannot provide documentation to refute the criminal discovery, Lake MHA will reject the Pre-Application or Application and remove the applicant family from the waiting list.

If, after move-in, Lake MHA discovers that there was criminal history that would have resulted in rejection, Lake MHA will contact the Tenant to ascertain the accuracy of the criminal report. If the Tenant would have been rejected had the information been known at the time of the eligibility determination, Lake MHA will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

### **SCREENING RENTAL HISTORY**

If any member of the applicant family has been evicted from any property owned or managed by Lake MHA for lease violations, that applicant family will be rejected.

Lake MHA will review rental history with any landlord indicated in the past three (3) years. Lake MHA will also review information provided through eviction databases and/or background check services. If any member of the applicant family has been evicted from any property, for lease violations, within the last three (3) years, the applicant family will be rejected.

If an applicant fails to identify one or more residences where he/she lived in the last three (3) years, the applicant family will be rejected and the applicant family will be removed from the waiting list.

Lake MHA will contact the prior property owner/agent (as indicated above) and inquire about the following information:



- Adherence to the lease & community policies
- Compliance with certification reporting requirements
- Rental payment performance
- Compliance with requirements to fully and accurately disclose income information in a timely manner
- Requirement to return assistance paid in error due to under-reporting income or un-reported income
- Unit maintenance/damage
- Presence of bed bugs, head lice, roaches or other parasitic infestation
- Record of disturbing neighbors
- Complaints

If information obtained is negative the applicant family will be rejected. Negative responses include but are not limited to:

- Failure to comply with the lease
- Failure to comply with House Rules, Pet & Assistance Animal Rules
- Failure to fully and accurately report income, new employment or changes in household composition in a timely manner
- Providing false information
- Attempting to receive or receiving HUD assistance in multiple units/homes
- Slow or no response to requests to recertify
- Poor rental payment history (average more than two (2) late payments per year, record of bounced checks, any outstanding balance)
- Record of poor unit maintenance or damage to the unit beyond normal wear-and-tear
- Presence of parasitic infestation unless all members of the applicant family agree to have all unit contents treated before move-in (*owner/agent will arrange for and pay for treatment*)
- Complaints from neighbors regarding actions that directly affect the peace and quiet comfort of others living in the community
- Record of actions that interfered with or prevented the previous landlord from effectively managing the property.
- A current outstanding balance owed by any household member to a prior landlord
- A current outstanding balance owed by any household member to HUD to return assistance paid in error
- Refusal to execute or pay repayment agreements to return improper payments to HUD

If the prior landlord will not or cannot provide information about an applicant's landlord history, Lake MHA will consider such history positive unless there is other evidence supporting a negative rental performance.

If an applicant has no landlord history, the landlord screening will be considered "positive".

#### **SCREENING FOR RECEIPT OF HUD ASSISTANCE IN ANOTHER UNIT**

All applicants **MUST** disclose if they are currently receiving HUD housing assistance. Lake MHA will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit on this property. HUD provides owner/agents with information about an applicant's current status as a HUD housing assistance recipient.

Lake MHA will use the **EIV Existing Tenant Search** provided via HUD's Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant family is currently receiving HUD housing assistance. This includes minors and live-in aides.





*Note: Lake MHA cannot review the Existing Tenant Search for applicants who are exempt from the Social Security Number disclosure requirements.*

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, each member of the applicant must complete move out from the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to minor children where two assisted families share custody.

If an applicant fails to fully and accurately disclose rental history, the Pre-Application or Application may be denied based on the applicant's "misrepresentation" of information and the applicant family will be removed from the waiting list. This information will be reviewed periodically after move-in.

If any household member receives or attempts to receive HUD housing assistance while receiving HUD housing assistance on this property, the household member will be required to return improper payments to HUD. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud.

#### **REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS**

Lake MHA reserves the right to reject applicants for admission based on any of the following:

- No unit of the appropriate size exists on the property
- The applicant family fails to meet the HUD indicated eligibility requirements for the assistance program/property
- Any non-exempt member of the applicant family fails to provide a Social Security Number or adequate documentation to verify the Social Security Number (SSN)
- Any member of the applicant family fails to meet the applicant screening requirements
- Any member of the applicant family fails to sign appropriate verification documents
- Misrepresentation
- Fraud
- Any member of the applicant family fails to respond to management inquiries for additional information during the Pre-Application or Application process
- Any member of the applicant family fails to provide changed household information to the management company as indicated/requested
- Lake MHA is unable to contact the applicant family via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the applicant family has a record of eviction, for lease violations, from any property managed by Lake MHA
- Any member of the applicant family has a record of eviction, for lease violations, from any property within the last three years
- Any member who has a record of lease violations from any property, as indicated on a landlord history form
- Any member of the applicant family has a record of outstanding or overdue payments to a previous landlord as indicated on a landlord history form
- Any member of the applicant family has a record of outstanding or overdue payments to HUD as indicated on a landlord history form
- Any member of the applicant family has a record of outstanding or overdue payments to utility providers



- The applicant family is unable to establish utilities in the new unit
- The applicant family is unable to pay the Security Deposit required
- The applicant family is unable to take possession of the unit within 30 days
- The applicant family is unable to pay the first month's rent (prorated if appropriate)
- The applicant family refuses two or more unit offers

### **REJECTION NOTICES**

Lake MHA will promptly notify the applicant family (Head-of-Household (HOH)) of the denial of admission or assistance. A rejection will be sent to the Head-of-Household (HOH) via First Class Mail, email, and/or the property Applicant Portal. It is up to the HOH to communicate with other adult family members. Any adult applicant may request an electronic or paper copy of the rejection letter. The rejection will include the reason(s) for the rejection.

### **APPEALING THE DECISION TO REJECT**

Any applicant may make a request to appeal the rejection within **fourteen (14) calendar days from the date of the rejection**. The appeal may be made in writing, via email or through an Applicant Portal.

Lake MHA will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to Lake MHA.

If there is no appeal request **within fourteen (14) days**, the rejection will be considered final. Reasons to appeal include:

- Applicant believes the decision has been made in error
- Applicant believes there are extenuating circumstances that should be considered
- Any member of the applicant family is a victim of abuse covered by the Violence Against Women Act and the applicant feels that status as a victim contributes to the decision to deny
- Any member of the applicant family is a person with a disability, and you believe a reasonable accommodation would allow us to continue processing the Pre-Application or Application
- The applicant family was rejected because a member is someone who did not "pass" criminal screening or is a registered sex offender and the applicant family wishes to remove that household member

Any staff person engaged in the initial review will not be involved in the appeal. Applicants may include a representative to assist in the appeal meeting. Applicants and/or their representatives have the right to request a reasonable accommodation to:

- Assist in facilitating your request for appeal
- To assist in your participation during the appeal meeting

Lake MHA will provide notification of a final decision within five (5) business days of the meeting.

### **OFFERING AN APARTMENT**

When a unit becomes available and eligibility is determined, available units will be offered using one or more of the following methods:

- In writing
- Over the phone
- By email
- Via the Applicant Portal



If Lake MHA is unable to contact the Head-of-Household (HOH) within five (5) business days from the date of the letter, the offer will be cancelled and the apartment will be offered to the next applicant family based on the selection criteria described in this plan.

Failure to respond to Lake MHA will be considered a refusal of the unit offer. (See Right to Refusal policies.)

### **OFFERING ACCESSIBLE UNITS**

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines will be offered to applicant families with disabled members first. In some cases, Lake MHA may implement marketing effort to ensure that disabled households occupy accessible units.

Units with communication accessible features will be offered to households with a verified need for communication accessible units first. Units with mobility accessible features will be offered to households with a verified need for mobility accessible units first.

After move-in, if the member(s) of the household who required the special features of the accessible unit no longer resides in the unit, and where the lease permits, the owner will require the remaining members of the household to move to a unit without accessibility features when such a unit of the appropriate size becomes available.

If there is no applicant or Tenant on the waiting list that has requested an accessible unit, the unit will then be offered to the next household based on the selection order.

Before the applicant family can accept that accessible unit, all adult members of the applicant family must sign an agreement that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan. The Tenant household will not be required to move if:

1. No unit that meets the household's occupancy requirements is available
2. There is no applicant family on the waiting list requesting an accessible unit

In either of the cases above, the household will have a maximum of thirty (30) calendar days to complete the move. If the applicant family fails to move in thirty (30) calendar days, assistance will be terminated. This rule, in no way, affects the single residence criteria. The household can only accept assistance in one unit on any given day.

### **OFFERING UNITS TO APPLICANT FAMILIES REQUESTING ACCESSIBILITY FEATURES**

Lake MHA will not skip over a household that has reached the top of the waiting list and has indicated a need for certain unit features because of a disability.

The household will be given the opportunity to benefit from the program and decide, in compliance with the Fair Housing Act and Section 504, whether a unit meets the needs of the disabled household member. The household may accept the unit and request some modification to the unit as a reasonable accommodation. See Appendix A for information about requesting a reasonable modification.



### OFFERING UNITS TO APPLICANT FAMILIES OR TENANTS WITH PREFERENCES

Applicants/tenants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

### RIGHT TO REFUSAL

The Right to Refusal Policy applies to applicant families and existing tenants who have submitted a Unit Transfer Request. Tenants requesting unit transfer and applicants will be offered available units based on the information included in this Tenant Selection Plan.

Each household will be offered the opportunity to accept an offered apartment two (2) times. If a Tenant/applicant family does not wish to accept an offered apartment, they have the right to refuse the offer.

Tenants/applicant families must notify Lake MHA of their intent to refuse the unit offer by using one or more of the following methods:

- In writing (delivered by fax, mail or other means)
- By email
- Over the phone
- Via the Applicant Portal or Tenant Portal

***Note: If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate.***

The first time an applicant family or Tenant refuses a unit, the unit will be offered to the next qualified household based on the selection order described above. The applicant family or Tenant will retain the same place on the waiting list. The second time an applicant family or Tenant refuses an offered unit, the household will be removed from the waiting list.

Right to refusal policies will be modified in two cases:

1. If an applicant family requesting an accessible unit or a tenant requesting an accessible unit is at the top of the waiting list, they will be offered units as they become available regardless of whether they include accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet specific accessibility requirements.
2. An applicant or tenant qualifies for a VAWA Emergency Transfer and the person who is a victim of a VAWA crime or the person who is affiliated with the person who is a victim of a VAWA crime does not consider the unit "safe."

### TIMEFRAME FOR TAKING POSSESSION OF A UNIT

The applicant family must agree to take possession of a unit in no more than thirty (30) calendar days unless Lake MHA provides exception to this policy.

If the applicant family does not complete appropriate paperwork and does not take possession of the unit within thirty (30) days from accepting the offer, the applicant family will be subsequently rejected and removed from the waiting list. (Extenuating circumstances related to verified medical situations will be considered.)

Lake MHA reserves the right to refuse subsequent Pre-Applications or Applications. The unit will be offered to the next eligible applicant family/tenant.



### **INTERIM RECERTIFICATION - REPORTING CHANGES BEFORE NEXT ANNUAL RECERTIFICATION (AR)**

Resident family composition, income and expenses are reviewed at least Annually.

Residents are required to report changes, between Annual Recertification, based on requirements outlined in the HUD Model Lease and the House Rules. Changes that result in an income increase or removal of a member must be reported within 30 days. If removal of a family member results in a decrease of the family's Annual Adjusted Income, Lake MHA will submit an Interim Recertification reducing rent. The addition of a new resident (except minors) must be approved before the new member moves in to the unit. Failure to notify the Lake MHA before a new member is added is a material lease violation and may result in termination of tenancy. Addition of new minors must be reported as quickly as possible, but not later than the date the next rent payment, is due after the minor is added.

If the change reported results in a decrease to family income, Lake MHA will process an Interim Recertification (IR), adjusting rent, when that reduction results in a decrease of the family's Annual Adjusted Income of 10% or more.

Based on the rules below, Lake MHA will submit an Interim Recertification, if the resident reports one or more changes resulting in a 10% increase to Annual Adjusted Income.

Earned Income increases will not be considered unless an Interim Recertification, reducing income, has been submitted since the last AR.

If the change is not related to earned income, and results in an increase of the family's Annual Adjusted Income of 10% or more, Lake MHA will complete an Interim Recertification adjusting rent. This is true unless the resident reports a change in a reasonable amount of time, in compliance with the Lake MHA's policy, and the change is reported within 3 months of the next Annual Recertification Date.

If the reported change includes an increase to earned income, but an IR reducing income has not been completed since the last AR, Lake MHA will document the resident file, but will not recalculate the rent. However, if an IR reducing income has been completed since the last AR, Lake MHA will not complete an IR adjusting earned income/rent. Residents are still required to report within 30 days as required by the lease and Lake MHA's policies.

If all adult family members comply with reporting requirements, rent changes will be implemented as follows:

1. Rent increases. If the rent increases, the owner will give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month after the end of the 30-day period.
2. Rent decreases. If the rent will decrease, the change in rent is effective on the first day of the month after the date of action (e.g., first of the month after the date of loss of employment.) A 30-day notice is not required for rent decreases.

If all adult family members do not comply with the reporting requirements, and the owner discovers the tenant has failed to report changes as required, the owner will implement rent changes as follows:

1. Rent increases. Owners must implement any resulting rent increase retroactive to the first of the month following the date that the action occurred.
2. Rent decreases. Any resulting rent decrease must be implemented effective the first rent period following completion of the recertification. Lake MHA will make rent decreases retroactive under certain circumstances.



## **UNIT TRANSFER POLICIES**

Lake MHA will accept requests for transfer based on the following:

1. There is a need for a unit transfer because of a change in household size and/or composition
2. There is a need for a unit transfer based on the verified need for an accessible unit
3. There is a verified need for a reasonable accommodation or a verified medical need for a different unit
4. There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living
5. The Tenant has requested and qualifies for a VAWA Emergency Transfer

Existing tenants must submit a written Unit Transfer Request. The Unit Transfer Request must be submitted and signed by the head of household. Lake MHA will accept the Unit Transfer Request in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Special consideration is given when the unit transfer is requested because:

- There is a verified need for a reasonable accommodation or a verified medical need for a different unit
- There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living to accommodate a disabled Tenant/applicant on the waiting list.
- The Tenant has requested and qualifies for a VAWA Emergency Transfer
- The Tenant has requested and qualifies for a transfer based on imminent threat not associated with a VAWA crime
- There is a change in household size that makes the current unit too large or too small for the family based on Lake MHA's occupancy standards

Except under specific circumstances, unit transfers will be granted only if:

- The household has not given notice to move
- The tenant is not being evicted
- The tenant is current for all outstanding charges
- The tenant has entered into a repayment agreement for failing to fully and accurately report income or household composition
- The tenant has no record of more than one minor lease violation in the last 12 months
- The tenant has no record of any major lease violations
- The tenant complies with lease provisions regarding decent safe and sanitary conditions of the current unit

A unit transfer request for a household whose size/composition has not changed since move-in (or most recent transfer) will not be considered for at least one year.

A household living in an apartment too large for its needs will not be required to move if there are no applicant families waiting for the bedroom size to be vacated by the transfer.

An appropriately sized unit will be available before the tenant household is required to move. At that time, the household will have thirty (30) days to complete the transfer or face termination.

## **SECURITY DEPOSITS, PET DEPOSITS & UNIT TRANSFERS**

When a tenant transfers to a new unit with all other household members, Lake MHA will charge a new Security Deposit and refund the Security Deposit for the old unit less any outstanding amounts for rent, fees or damages. If damages to the unit exceed the Security Deposit amount, the tenant must pay for any damage charges within thirty (30) days.



When a Tenant owns a pet, the original unit will be assessed for damages caused by the pet. The Pet Deposit will be reduced by charges for those damages and the Tenant will be required to obtain a Pet Deposit balance of \$250.00 for the new unit. The Tenant will be allowed to pay the new Pet Deposit balance due in \$10.00 monthly payments until the \$250.00 Pet Deposit balance is reached.

If damages to the unit, caused by the pet, exceed the Pet Deposit amount, the tenant must pay for any damage charges within thirty (30) days.

### **HOUSEHOLD SPLIT**

In some cases, a household may split. A Split Household is defined as one assisted household becoming two or more assisted households.

This happens when one or more household members move out of the unit into a new unit. Some of the original household members remain in the original unit.

When this happens, those members establishing a “new” household will be treated as applicants. New Pre-Application or Application documents must be completed and submitted to Lake MHA.

The “new” household must be eligible and must meet all screening requirements. The Tenant Selection Plan in effect at the time of the final eligibility determination will be used.

*Please note: Special consideration applies to people who are victims of VAWA crimes or people who are affiliated with victims of VAWA crimes – specifically when the accused perpetrator lives in the unit. Please review the VAWA policy – Lease Bifurcation - in Appendix D or contact Lake MHA staff for additional information.*

### **SECURITY DEPOSITS, PET DEPOSITS & HOUSEHOLD SPLITS**

If the household “splits” and one or more tenants remain in the original unit, the original Security Deposit will remain with the original unit and a new Security Deposit will be collected for the new unit.

If a pet remains in the original unit, the Pet Deposit will remain with the original unit. If a pet will reside in the new unit and a new Pet Deposit will be collected for the new unit.

If all pets are being moved to the new unit, the pet owner/tenant will be assessed for damages caused by the pet. The Pet Deposit will be reduced by charges for those fees and damages and the tenant will be required to obtain a Pet Deposit balance of \$250.00 for the new unit. The tenant will be allowed to pay the new Pet Deposit in \$10.00 monthly payments until the \$250.00 Pet Deposit balance is reached.

### **SECURITY DEPOSITS & HOUSEHOLD SPLITS**

If the household “splits” and one or more tenants remain in the original unit, the original Security Deposit will remain with the original unit and a new Security Deposit will be collected for the new unit.

### **CHANGES IN HOUSEHOLD COMPOSITION**

#### **ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

Lake MHA must approve any new adult household member **before** he/she moves into the unit.





Eligibility criteria, screening criteria and compliance with occupancy standards will be reviewed before the new household member is approved or denied.

The request to add a new household member will not be considered if the tenant has provided notice to vacate the unit. This helps prevent applicants from “jumping” ahead on the waiting list.

Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the Tenant Selection Plan in place at the time of the eligibility determination.

The rent/assistance payment will be re-calculated to reflect any income or allowances for the new household member. If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the addition of the new household member.

This policy applies to live-in aides as well. Screening criteria will also be applied to live-in aides, **except for the criterion regarding the ability to pay rent on time** because live-in aides are not responsible for rental payments.

However, live in aides must meet other screening criteria established by Lake MHA. Income and/or allowances received by live-in aides will not be considered.

Information about new household members who are minors must be provided to Lake MHA as quickly as possible but within no more than thirty (30) calendar days. This includes, as applicable, required eligibility information including Social Security Numbers, proof of citizenship or non-citizen eligibility and other pertinent information.

If the new household member is under the age of six, special consideration regarding Social Security Number disclosure and verification of Social Security Numbers is given. The household will be given ninety (90) calendar days to provide the Social Security Number and adequate documentation to verify the Social Security Number provided. In some cases, an additional ninety (90) days may be provided.

If the household fails to provide the required Social Security Number information within the allotted timeframe, the household’s tenancy will be terminated (eviction) in accordance with HUD requirements. Each dependent child that lives in the unit may be eligible for a \$480 deduction that decreases the monthly rent payment by roughly \$12.00 per month. The rent payment will be re-calculated to reflect any income or allowances for the new household member.

If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the addition of the new household member.

Failure to notify Lake MHA about changes in household composition as described above may result in retroactive rent changes and/or termination of subsidy/tenancy for the entire household. Please contact Lake MHA or property staff if you have questions about this policy.

#### **REMOVING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

Tenants must notify Lake MHA if any household member listed on the lease or on HUD Form 50059 leaves the unit. This notification must occur as quickly as possible but within no more than thirty (30) calendar days.



Upon notice, the rent payment will be re-calculated to remove any income or allowances for the previous household member. If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the removal of the household member.

Failure to provide notice to Lake MHA, within thirty (30) days, could result in rent increases retroactive to the first of the month after the household member left. Subsidy paid in error will be returned, as required, to the Department of Housing & Urban Development.

If the Tenant fails to notify Lake MHA of a change in household composition within thirty (30) calendar days, and that change would result in a rent decrease, Lake MHA will make the decrease effective the first of the month following the notice. No retroactive rent credits will be returned to the Tenant.

Failure to notify Lake MHA about changes in household composition may result in termination of subsidy and/or tenancy for the entire household. Please contact Lake MHA if you have questions about this policy.

### **APARTMENT INSPECTIONS**

All apartments must undergo periodic inspection conducted by the on-site management team, HUD or HUD's representatives/agents. These inspections include not only interior but also exterior inspections. Tenants have the right to be present, and are, in fact encouraged, to be present during unit inspection.

**The move-in inspection** is an opportunity to familiarize the new Tenant with the property and the unit, as well as to document its current condition. By performing move-in inspections, Lake MHA and Tenants are assured that the unit is in livable condition and is free of damages. A move-in inspection gives Lake MHA an opportunity to familiarize Tenants with the operation of appliances and equipment in the unit.

**The move-out inspection** is conducted when a household vacates a unit. Lake MHA will list the damages on the Unit Inspection Form and compare it with the Unit Inspection Form completed at move-in to determine if there is any damage or excessive wear-and-tear.

In addition, Lake MHA will perform **unit inspections on at least an annual basis** to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced. This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs. At this time, Tenants may be charged for damages to the unit so long as those damages are not the result of normal wear-and-tear.

**HUD, or its authorized contractor(s), has the right to inspect the units** and the entire property to ensure that the property is being well maintained. These inspections assure HUD that owners and their agents are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that Tenants are provided with decent, safe, and sanitary housing.

### **CHANGES TO THE TENANT SELECTION PLAN**

Applicant families will be notified in writing when the Tenant Selection Plan undergoes significant change or when preferences are added or removed. At that time, applicant families will be:

1. Given an opportunity to review the new plan
2. Notified of changes to preferences
3. Asked if they wish to remain on the waiting list



If the applicant family does not respond, that household will be deemed ineligible and removed from the waiting list. The current Tenant Selection Plan, in place at the time of final eligibility determination, will be used to make a final decision to approve or reject the Pre-Application or Application.



## **APPENDIX A – REQUEST FOR REASONABLE ACCOMMODATION OR MODIFICATION**

Lake MHA is committed to complying with the Fair Housing Act and Section 504 of the Rehabilitation Act by ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with the operation of housing services or programs solely on the basis of such disabilities.

If an individual with a disability requests an accommodation or modification, Lake MHA will fulfill these requests, unless doing so would result in a fundamental alteration in the nature of the program or create an undue financial and administrative burden. In such a case, if possible, Lake MHA will offer an alternative solution that would not result in a financial or administrative burden.

Lake MHA informs all applicants/tenants that, at any time, the applicant/tenant or a person acting on behalf of the applicant/tenant may make a request for reasonable accommodation or modification for an individual with a disability.

At the time of Pre-Application or Application, all applicants may review the Reasonable Accommodation Modification (RAM) Policy. The RAM Policy is also provided in an electronic or paper format upon the applicant's request.

All applicants/tenants may request a Reasonable Accommodation/Modification (RAM) Request Form when requesting a reasonable accommodation or modification. The request will be accepted in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. A tenant or applicant may submit the request in writing, electronically or orally, or use another equally effective means of communication to request an accommodation or modification.

Tenants and applicants may contact the management office located within their property for information about requests.

Lake MHA will provide an initial reply to requests as quickly as possible, but no more than ten (10) business days from the receipt of the request unless Lake MHA explains the delay. Response may include but is not limited to:

1. Approval
2. Denial
3. Request for Additional Information or Verification of Need

Lake MHA will consent to or deny the request as quickly as possible. Unless Lake MHA explains the delay, the applicant/tenant will be notified of the decision to approve or deny within no more than ten (10) business days after receiving all necessary information and documentation from the tenant and/or appropriate verification sources. All decisions to approve or deny reasonable accommodations will be communicated in writing or, if required/requested, in an alternative format.

Exceptions to the period for notification of Lake MHA's decision on the request will be provided to the tenant setting forth the reasons for the delay.

If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within ten (10) calendar days of the date of the notification of denial. The appeal meeting will be conducted by a person who was not originally involved in the decision to deny.



## **APPENDIX B – CITIZEN/NON-CITIZEN ELIGIBILITY**

Applicants are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each of household member seeking housing assistance. Lake MHA is required to obtain the following documents:

1. Family Summary Sheet (lists all household members who will reside in the assisted unit)
2. Citizenship Declaration (Each household member listed on the Household Summary Sheet must complete)
3. Forms and/or evidence of citizen/immigration status

If you have any questions or difficulty in providing the described information or determining the type of documentation required, please contact the management office. If you are unable to provide the required documentation in the timeframe indicated, you must contact the management office and request an extension. If you fail to provide this information, Lake MHA cannot provide assistance.

Lake MHA will offer the household assistance, providing subsidy to those household members whose documents were received on time when the following criteria is met:

1. Assistance/unit is available
2. The household has come to the top of the waiting list
3. At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this Tenant Selection Plan

If any household member is determined to be an ineligible non-citizen, either at Pre-Application or Application or after move-in, assistance may be prorated or terminated.

### **REQUIRED DOCUMENTATION**

Lake MHA must obtain the following documentation for each household member regardless of age:

- From U.S. citizens, a signed declaration of citizenship. Lake MHA requires verification of the declaration. The following documents will be accepted as proof of citizenship
  - United States (U.S.) Passport
  - U.S. birth certificate
  - Other documentation as provided by HUD or DHS
- From non-citizens claiming eligible status who is 62 or older:
  - A signed declaration of eligible immigration status and
  - Proof of age
- From non-citizens claiming eligible status who is not 62 or older:
  - A signed declaration of eligible immigration status **and**
  - A signed consent form **and**
  - One of the DHS-approved documents
    - Form I-551, *Permanent Tenant Card*.
    - Form 1-94, *Arrival-Departure Record* annotated with one of the following:
      - “Admitted as a Refugee Pursuant to Section 207”;
      - “Section 208” or “Asylum”;
      - “Section 243(h)” or “Deportation stayed by Attorney General”; or
      - “Paroled Pursuant to Section 212(d)(5) of the INA.”
    - Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
      - A final court decision granting asylum (but only if no appeal is taken);



- A letter from an DHS asylum officer granting asylum (if Pre-Application or Application was filed on or after October 1, 1990) or from an DHS district director granting asylum (Pre-Application or Application filed was before October 1, 1990);
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding of deportation (if Pre-Application or Application was filed on or after October 1, 1990).
- A receipt issued by the DHS indicating that a Pre-Application or Application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant's entitlement to the document has been verified.
  - Other acceptable evidence.

If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

#### **TIMEFRAMES FOR SUBMITTING EVIDENCE OF CITIZENSHIP/IMMIGRATION STATUS TO LAKE MHA**

Applicants must submit required documentation of citizenship/immigration status no later than the date Lake MHA initiates verification of other eligibility factors. Lake MHA determines the applicant's citizenship or immigration status during the final eligibility determination prior to move-in.

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

Lake MHA will inform the applicant if an extension request is granted or denied. If the request is granted, Lake MHA will include the new deadline for submitting the documentation. If the request is denied, Lake MHA will state the reasons for the denial in the response. When granting or rejecting extensions, Lake MHA will treat applicants consistently.

#### **REVIEWING AND VERIFICATION OF A HOUSEHOLD'S CITIZENSHIP/IMMIGRATION STATUS**

Lake MHA will conduct primary verification through the (Systematic Alien Verification for Entitlements) SAVE ASVI database - the Department of Homeland Security (DHS) automated system.

After accessing the ASIV database, Lake MHA enters the required data fields. The system will display one of the following messages for immigration status confirmation on the screen.

- Lawful Permanent Tenant
- Temporary Tenant
- Conditional Tenant
- Asylee
- Refugee
- Cuban\Haitian Entrant
- Conditional Entrant



**Secondary verification.** If the message “institute secondary verification” is displayed on the screen, the manual verification process must be used.

Within ten (10) days of receiving an “Institute Secondary Verification” response, Lake MHA will prepare DHS Form G-845S, *Document Verification Request*. Lake MHA will send DHS Form G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the property’s jurisdiction.

The DHS will return to Lake MHA a copy of DHS Form G-845S indicating the results of the automated and manual search.

**NOTIFICATION TO NONCITIZEN APPLICANTS**

Lake MHA will notify households in writing that they are:

- Eligible for assistance
- Eligible for partial assistance, as a mixed household

Lake MHA will notify applicants and/or tenants if they are found to be ineligible based upon the Noncitizen Rule.

**MIXED HOUSEHOLDS**

A mixed household—a household with one or more ineligible members and one or more eligible household members—may receive:

- Prorated assistance
- Continued assistance
- 

**APPEALING DETERMINATIONS OF INELIGIBILITY**

Lake MHA will notify the household in writing as soon as possible if the secondary verification process returns a negative result.

The applicant or tenant has thirty (30) days from receipt of the notice to choose which option to follow.

The applicant or tenant may appeal Lake MHA’s decision directly to the DHS. The applicant or tenant must send a copy of the appeal directly to Lake MHA. The DHS should respond to the appeal within thirty (30) days.

If the DHS decision results in a positive determination of eligibility, Lake MHA can provide the appropriate housing assistance. If the DHS decision results in a negative determination of eligibility, the household has **thirty (30) days** to request a hearing with Lake MHA.

**PROHIBITION AGAINST DELAY OF ASSISTANCE**

Lake MHA may not delay the household’s assistance if the applicant or tenant submitted immigration information in a timely manner but the DHS verification or appeals process has not been completed.

If a unit is available, the household has come to the top of the waiting list, and at least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible, Lake MHA will offer the household a unit and provide full assistance to those household members whose documents were received on time. Lake MHA will continue to provide full assistance to such households





until information establishing the immigration status of any remaining non-citizen household members has been received and verified.

### **APPENDIX C – VERIFICATION OF HOUSEHOLD COMPOSITION**

One of the key requirements, at Pre-Application or Application and during residency, is to disclose who will be living in the unit at any given time. It is important to understand the difference between a tenant and a guest.

**Tenant:** A tenant is any person who is listed on the Pre-Application or Application, on any Family Summary submitted and, on the lease, who will reside in the unit.

**Guest:** A guest is a person that will be staying with a tenant overnight. A tenant must notify Lake MHA if a guest will be staying overnight for more than three (3) consecutive days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during a 12-month period without express consent of Lake MHA. If Lake MHA suspects that a guest should actually be classified as a tenant, Lake MHA will request a meeting with the Head-of-Household (HOH).

In accordance with HUD requirements, the tenant will have ten (10) days to meet with Lake MHA. Failure to respond to the request to meet will result in termination of assistance beginning the first of the month following the 10-day notice.

If Lake MHA suspects that a guest is actually living in the unit, Lake MHA will ask for verification of alternative residence. Samples of such verification include one or more of the following:

- Verification with the United States Postal Service that no mail, for the guest, is delivered to the unit address
- \*A current driver's license for the "guest" with an alternative address
- \*A current lease indicating an alternative residence
- \*A current utility bill in the person's name showing an alternative address
- \*A current insurance policy or other such invoice/bill showing an alternative address

*\*Current means issued/created within the last thirty (30) days.*

In addition, the tenant(s), indicated on the lease, must sign a notarized statement confirming that the guest does not violate the guest policy as indicated above and does not reside in the unit.

**Live-in Aides:** A live-in aide must meet HUD's definition of a live-in aide:

1. Is essential to the care and well-being of the tenant
2. Is not dependent on the tenant for support
3. Is only living in the unit to provide essential support

If a tenant or applicant requests a live-in aide, Lake MHA is required to verify the need for a live-in aide using third-party verification.

Live-in Aides are required to complete the Live-in Aide Questionnaire/Certification. The information on the Live-in Aide questionnaire/certification will be verified and the prospective live-in aide will be screened in accordance with the Tenant Selection Plan in place at the time of review. The live-in aide will not be screened for the "ability to pay rent" since the live-in aide is not responsible for rent payment.



The live-in aide must be approved and must sign the House Rules. Lake MHA must sign a revised 50059 before the live-in aide is allowed to move-in.

If a live-in aide moves in prior to screening and prior to signing required forms, Lake MHA will issue a notice of lease violation and may pursue other action including, but not limited to eviction of the live-in aide, termination of assistance and/or termination of tenancy.

**Children/Minors:** At move-in, all non-exempt household members, including children, must have a Social Security Number and adequate documentation to verify the Social Security Number.

When children are later added to the household, the following will be required.

For children who are born, adopted or in foster care or in another legal custodial relationship with an existing household member, Lake MHA requires the following:

- Social Security Number and proof that the number is valid
  - For children under the age of 6 years old - must be provided within ninety (90) days or Lake MHA is required to terminate tenancy.
  - An additional ninety (90) may be provided if extenuating circumstances exist
- Proof of age/legal custodial arrangement
  - Birth certificate indicating that a household member is a parent; or
  - Adoption paperwork indicating that a household member is a parent as appropriate; or
  - Verification from the foster agency indicating the unit as the primary residence of the foster child as appropriate; or
  - Other documents proving legal custody arrangement as appropriate

For children who are not part of a legal custody arrangement who will be living in the unit, Lake MHA requires:

- Social Security Number and proof that the number is valid
  - For children under the age of 6 years old - must be provided within ninety (90) days or Lake MHA is required to termination of tenancy. An additional ninety (90) may be provided if extenuating circumstances exist
- Two forms of proof that the child resides with a member of the household
  - Verification from a government organization indicating that the unit will be the primary residence for the minor (examples include but are not limited to school records, children services agencies, foster programs, etc.)
  - Verification from a medical professional in the know indicating that the unit will be the primary residence for the minor
  - Verification from a social service organization indicating that the unit will be the primary residence of the minor (examples include but are not limited to homeless shelters, shelters for victims of domestic violence, etc.)
  - A signed, notarized statement from an adult household member claiming guardianship of the minor child

Lake MHA does not and will not establish policies intended to exclude children. If none of the household members can provide documentation for minors, as described above, Lake MHA will meet with the tenant to discuss reasonable alternatives. Lake MHA will be the final judge of what is considered adequate documentation proving household composition/residency.



**APPENDIX D – FAIR HOUSING & OTHER CIVIL RIGHTS PROTECTIONS**

**FAIR HOUSING**

The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status.

In addition, the state of Ohio has added Fair Housing protections based on ancestry and military status.

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Lake MHA complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

**SECTION 504 OF THE REHABILITATION ACT OF 1973**

Lake MHA complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 protections often overlap with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it imposes broader affirmative obligations to make their programs, as a whole, accessible to persons with disabilities.

**COORDINATING EFFORTS TO COMPLY WITH SECTION 504 REQUIREMENTS**

Lake MHA has designated a person to address questions or requests regarding the specific needs of tenants and applicants with disabilities. This person is referred to as the Section 504 Coordinator.

Section 504 Coordinator	
Address:	189 First Street, Painesville OH 44077
Phone Number:	440-354-3347
TDD/TTY Number:	TDD/TTY 711 or 800.750.0750

**REQUESTS FOR REASONABLE ACCOMMODATION OR MODIFICATION**

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, Lake MHA will make reasonable accommodations or modifications for individuals with disabilities (applicants or tenants) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden. Please see Appendix A for additional information.



### **LIMITED ENGLISH PROFICIENCY**

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)" requires Lake MHA to develop and implement a system to provide housing assistance so persons with Limited English Proficiency (LEP) can have meaningful access to assisted housing opportunities.

Lake MHA will provide for such meaningful access consistent with, and without unduly burdening the fundamental mission of the property. Lake MHA will work to ensure that people who apply for and/or qualify for housing assistance are provided meaningful access to HUD's housing assistance program.

### **THE EQUAL ACCESS RULE**

Lake MHA ensures that HUD's core 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 SEXUAL HARRASSMENT IN FAIR HOUSING INITIATIVE**

Sexual harassment in housing includes demands for sex or sexual acts in order to buy, rent or continue renting a home. It also includes other unwelcome sexual conduct that makes it hard to keep living in or feel comfortable in your home. Applicants and tenants are encouraged to contact Lake MHA staff if they feel that they are a victim of sexual harassment by any landlord, property manager, maintenance staff or other people who have control over housing.

### **PROTECTIONS PROVIDED UNDER THE VAWA**

The Violence Against Women Act (VAWA) provides protections to women or men who are applicant to or tenants of any "covered housing program" and who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. Lake MHA understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated persons which are defined as follows:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, Tenant/applicant, or lawful occupant living in the household of that individual.

Other than what is described above, VAWA protections are not provided to guests, unauthorized tenants or service providers (including live-in aides) hired by the tenant.

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

Unless such requirements interfere with protections provided under the VAWA, being a victim of a VAWA crime is not reason to change the screening requirements set forth in the Tenant Selection Plan.



*For example: Lake MHA may waive the requirement to review landlord history for an applicant if the victim has provided necessary documentation to certify their status as a victim of a VAWA crime and if contacting a previous landlord would put the applicant's location at risk of exposure to the accused perpetrator/imminent danger.*

Eligibility requirements for housing programs cannot be modified. Being a victim of a VAWA crime does not automatically make a person eligible for housing assistance.

Being a victim of a VAWA crime is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless being a victim of a VAWA crime was the cause of the lease violation.

*For example: Lake MHA may waive the requirement for a 30-day notice to vacate if the victim has provided necessary documentation to certify their status as a victim of a VAWA crime and the Tenant wishes to move to elude the accused perpetrator.*

When applicable, the tenant will be required to work with Lake MHA to reduce the likelihood of future lease violations.

Lake MHA will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/Tenant must specify that he/she wishes to exercise these protections. If any applicant or tenant wishes to exercise the protections provided in the VAWA, he/she should contact Lake MHA or the property staff immediately.

#### **CONFIDENTIALITY**

Lake MHA is committed to ensuring that the Privacy Act is enforced in this and all other situations.

HUD Form 5380 **Notice of Occupancy Rights under the Violence Against Women Act** provides notice to the Tenant/applicant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to Lake MHA relating to the incident(s) of abuse covered under the VAWA will be retained in confidence.

Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

1. Requested or consented to by the victim in writing for a limited period of time; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

Lake MHA will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or tenant files.

#### **REQUESTS & CERTIFICATION**

The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The tenant/applicant may:

- Complete a VAWA Request Form provided by Lake MHA
- Submitted a request (*including email, phone, or in person*)



- Make a personal (oral) request either in person or via phone/Facetime, etc.

Once a request is made, Lake MHA requires that the applicant certifies their status as a victim of a VAWA crime or as a person affiliated with a victim of a VAWA crime using one of the following methods. Applicants and tenants decide which of the following methods is used to certify their status as a victim of a VAWA crime or as someone affiliated with a victim of a VAWA crime.

When Lake MHA responds to a request to exercise protections provided under the VAWA, Lake MHA will request that an individual provide HUD Form 5382 *Certification as a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault* to certify status as a VAWA victim or as a person affiliated with a VAWA Victim. The person seeking VAWA protections may obtain this form from the property staff or from HUD's web site.

Lake MHA understands that the delivery of the certification form to the applicant/Tenant via mail may place the victim at risk, (e.g., the accused perpetrator may monitor the mail). Lake MHA will work with the applicant/Tenant in making acceptable delivery arrangements.

Alternatively, if the applicant/tenant has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the tenant may submit proof of this outreach in lieu of the certification form.

Lake MHA will accept a federal, state, tribal, territorial, or local police record or court record other official record documenting status as a victim of a VAWA crime or a person affiliated with a victim of a VAWA crime as defined in this policy.

Lake MHA will also accept a document signed and attested to by a professional (*employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.*) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. This document must be signed by the applicant/Tenant.

The signatory attests under penalty of perjury that he/she believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking.

Based on HUD's instruction above, the statement must be signed, dated, and notarized or witnessed, and must include the following language:

***Name of person seeking protections*** has worked with me to receive assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse.

***Name of professional providing documentation*** believe it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking

*Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) 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 this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant 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 PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).

*The information provided above is true and is based on my knowledge of incidents involving domestic violence, dating violence, sexual assault or stalking.*

*Signed and dated by person providing certification:*

*I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction. In addition, providing false information may prompt Lake MHA to notify HUD and pursue civil action related to fraud based on HUD requirements. I am requesting to exercise protections provided through the VAWA because I am a victim of domestic violence, dating violence, stalking and/or sexual assault (VAWA crimes) or I am a person affiliated with someone who is a victim of a VAWA crime as defined in this document.*

*Signed and dated by person seeking VAWA protections:*

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If the applicant/tenant is currently living in a licensed shelter established to protect victims of violence covered under the VAWA, Lake MHA will accept third-party verification (*from the shelter*) of such living arrangement in lieu of certification methods described above.

If the person seeking VAWA protections cannot provide any of the documents described above, the person should contact the property management staff or Lake MHA to discuss acceptable alternatives. If the documents above cannot be provided, Lake MHA will be the final decision maker regarding acceptable alternatives.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

The person seeking VAWA protections will have fourteen (14) business days from the date of the written request to provide certification using any of the options above.

This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If Lake MHA receives documentation that contains conflicting information (*including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator*), Lake MHA will require an applicant or tenant to submit third-party documentation, as described above within fourteen (14) days of the date of the request for the third-party documentation.





To ensure that a person is not wrongly accused of committing an act covered under the VAWA, Lake MHA will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

Lake MHA will review and respond to requests to exercise protections provided under the VAWA as quickly as possible but within no more than ten (10) business days of receiving all required documentation. Lake MHA may provide the response in any manner acceptable to the victim and Lake MHA. Responses include:

- Approval of the Request for a specific VAWA accommodation
- Denial of the Request for a specific VAWA accommodation
- Request for additional information or request to Meet

If the request is denied, the person seeking VAWA protections will have the right to appeal. Requests to appeal must be received within ten (10) calendar days of the date of the denial. When requested, the appeal will be held with someone who was not involved in the original decision to deny. Lake MHA will grant a reasonable accommodation when there is the presence of a disability.

### **LEASE BIFURCATION**

If Lake MHA determines that physical abuse caused by a tenant is clear and present, the law provides Lake MHA the authority to bifurcate a lease (*i.e., remove, evict, or terminate housing assistance to any accused perpetrator*), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

Lake MHA may attempt to evict the accused perpetrator, but tenants should know that state/local tenant/landlord laws prevail and Lake MHA must comply with such laws. Lake MHA cannot guarantee that a court will award or enforce an eviction.

The tenant must keep in mind that eviction of or termination action must be in accordance with the procedures prescribed by federal, state, and local law. Lake MHA is committed to attempting to assist the victim and persons affiliated with the victim, however, evictions are generally carried out through the court system and Lake MHA cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.

### **LEGAL ACTION**

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, Lake MHA may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property.

The VAWA does not limit the authority of Lake MHA, when notified of a court order, to comply with a court order with respect to:

- The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- The distribution or possession of property among members of a household.



### TERMINATION OF TENANCY OR TERMINATION OF ASSISTANCE

The VAWA does not limit an Lake MHA's authority to deny, evict or terminate assistance to a tenant/applicant for any violation that is not the result of an act of domestic violence, dating violence, sexual assault, or stalking.

Lake MHA will not subject the tenant/applicant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenant/applicants in determining whether to evict or terminate assistance.

The VAWA does not limit Lake MHA's authority to deny, terminate assistance to, or evict a Tenant/applicant under a covered housing program when Lake MHA can demonstrate an actual and imminent threat (*to other Tenant/applicants or those employed at or providing service to property of the covered housing provider*) would be present if that Tenant/applicant or lawful occupant is not evicted/terminated. In this context, words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the standards provided in the definition of "actual and imminent threat".

*Note: **Actual and imminent threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.*

Determinations about the presence of imminent danger will not be based on stereotypes but will be tailored to particularized concerns about individual Tenants.

Lake MHA will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

Any eviction or termination of assistance, will be initiated only when there are no other actions that could be taken to reduce or eliminate the threat. Examples of such action include, but are not limited to:

- Transferring the victim to a different unit when doing so would reduce or eliminate the threat – *Also see Addendum A for information about VAWA Emergency Transfers,*
- Barring the perpetrator from the property,
- Contacting law enforcement to increase police presence
- Develop other plans to keep the property safe, or
- Seeking other legal remedies to prevent the perpetrator from acting on a threat

### LEASE ADDENDUM

The HUD approves lease addendum will be implemented and provided in accordance with HUD guidance.



**VAWA EMERGENCY TRANSFERS**

Lake MHA is concerned about the safety of tenants and applicants, and such concern extends to tenants and applicants who are victims of domestic violence, dating violence, sexual assault, or stalking – collectively referred to as VAWA crimes.

Lake MHA has developed a VAWA Emergency Transfer (VET) Plan that allows victims of VAWA crimes or people associated with victims of VAWA crimes to request a VET. Please refer to the property's VAWA Policy and VET Policy for more detailed information.

