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**TENANT SELECTION PLAN (TSP)**  
**FOR THE**  
**PROJECT-BASED RENTAL ASSISTANCE (PBRA) PROGRAM**  
**Effective April 1, 2019**

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## Introduction

### ABOUT THE MODEL TENANT SELECTION PLAN (TSP)

#### HOW TO USE THE MODEL TSP

The model TSP includes recommended language for each area in which the O/A has discretion or flexibility to adopt its own policies. To make the editing process easier, the model TSP contains only **one version** of each policy—generally HUD’s safe harbor policy or the policy that seems to be common to most O/As. *This means that if the model policy language works for you, no cutting and pasting is required.* However, please note that **some policies may require that you fill in additional information specific to your program, and cannot be adopted as-is.** For this reason, it is important that you review the entire document prior to implementing this plan.

HUD regulations and other requirements are described in detail in the model TSP with appropriate citations. They are also summarized in the policy guide as needed to assist in making decisions.

#### The Policy Guide and Instructions

The policy guide document accompanying this plan is a decision-making tool for O/A policy makers. You can use the guide as a checklist for evaluating your compliance with HUD requirements and for making decisions about local policies. O/A decision points are identified throughout the guide document with this symbol:



The policy guide provides recommended language and policy options and explains why the recommended language is used in the model TSP.

- If you decide to adopt an alternative policy, you may edit or delete the NMA-provided language in the model TSP, cut and paste another option from the policy guide, or develop and type in your own wording.

Before starting work on the revision, print out the Acrobat PDF files of the model TSP pages and policy guide. Read through the model policy and review the decision points in the policy guide to determine if you want to make any changes to the model TSP. After you have edited the model TSP, print out the revised chapter to update your hard copy, and edit the table of contents (TOC) file if necessary to update the TOC for your TSP.

#### Working with the Computer Files

On your hard drive or network drive, set up a subdirectory (such as TSPrev) for the TSP revision in your TSP or other directory in which you keep your documents. Copy the files for the policy document and the guide chapters from the CD-ROM into that directory and use them as your working files. Store your CD-ROM in a safe place.

## **REFERENCES CITED IN THE MODEL TSP**

Authority for O/A policies is derived from many sources. Primary among these sources are regulations and guidance issued by HUD. State law also directs O/A policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to O/A policy.

### **HUD**

HUD provides the primary source of O/A policy through federal regulations, HUD notices, and handbooks. Compliance with federal regulations, current HUD notices, and HUD handbooks is mandatory.

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations to a specific pattern.

### **State Law**

Where there is no mandatory federal guidance, O/As must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the O/A should follow the state law.

### **Industry Practice**

Where no law or HUD authority exists on a particular subject, industry practice may support O/A policy. An industry practice is a way of doing things that is followed by most Multifamily PBRA properties.

### **Resources and Where to Find Them**

Following is a list of resources helpful to the O/A or referenced in the model TSP, and the online location of each.



<b>Document and Location</b>
The HUD Web site is <a href="http://portal.hud.gov/hudportal/HUD">http://portal.hud.gov/hudportal/HUD</a>
Guidebooks, handbooks, and other HUD resources may be found at the HUDClips website: <a href="http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips">http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips</a>
Code of Federal Regulations <a href="http://www.ecfr.gov">http://www.ecfr.gov</a>
Federal Register <a href="http://www.gpo.gov/fdsys/search/getftoc.action">http://www.gpo.gov/fdsys/search/getftoc.action</a>
HUD Handbook 4350.3, REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs <a href="http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/hsg/4350.3">http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/hsg/4350.3</a>
Housing Notices <a href="http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/notices/hsg">http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/notices/hsg</a>
Notice PIH 2012-32/Notice H 2017-03, REV-3, Rental Assistance Demonstration – Final Implementation, Revision 3 <a href="http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_Notice_Rev3_Final.docx">http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_Notice_Rev3_Final.docx</a>
RAD Quick Reference Guide for to Multifamily Housing Requirements (10/15) <a href="http://www.radresource.net/sources/public/RAD%20Quick%20Reference%20Guide%20October%202015.pdf">http://www.radresource.net/sources/public/RAD%20Quick%20Reference%20Guide%20October%202015.pdf</a>
RAD Welcome Guide for New Awardees: RAD 1st Component (3/15) <a href="http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_WelcomeGui_1stComp.pdf">http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_WelcomeGui_1stComp.pdf</a>
RAD FAQs <a href="http://www.radresource.net/search.cfm">http://www.radresource.net/search.cfm</a>



## Chapter 1

### NONDISCRIMINATION

#### 1-A. OVERVIEW

Federal laws require O/As to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The O/A will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

Title VI of the Civil Rights Act of 1964

Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)

Executive Order 11063

Section 504 of the Rehabilitation Act of 1973

The Age Discrimination Act of 1975

Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)

The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012

The Violence against Women Reauthorization Act of 2013 (VAWA)

Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

#### Homes for Good Policy

In addition to the federal laws and regulations listed above, Homes for Good will abide by state and local nondiscrimination laws including the following:

Oregon Revised Statutes: Unlawful Discrimination in Employment, Public Accommodations (ORS Chapter 659A; 659A.145; 659A.421)

City of Eugene Human Rights Code (Eugene City Code 4.613 to 4.650)

## 1-B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as O/A policies, can prohibit discrimination against additional classes of people.

The O/A shall not discriminate because of race, color, sex, religion, familial status, age, disability, or national origin (called “protected classes”).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

The O/A will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12].

### Homes for Good Policy

To comply with the laws of the State of Oregon and the City of Eugene, Homes for Good will not discriminate on the basis of ethnicity, gender, marital or domestic partner status, sexual orientation (actual or perceived heterosexuality, homosexuality or bisexuality), or source of income. These protected classes are in addition to the other classes listed elsewhere in Section 1-B of this TSP.

The O/A will not use any of these factors to:

Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the program

Subject anyone to segregation or disparate treatment

Restrict anyone’s access to any benefit enjoyed by others in connection with the housing program

Treat a person differently in determining eligibility or other requirements for admission

Steer an applicant or tenant toward or away from a particular area based on any of these factors

Deny anyone access to the same level of services

Discriminate against someone because they are related to or associated with a member of a protected class

Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

## **1-C. POLICIES RELATED TO PERSONS WITH DISABILITIES**

The O/A must ensure that persons with disabilities have full access to the O/A's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the PBRA program [24 CFR Part 8].

### Homes for Good Policy

Homes for Good will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by Homes for Good, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact Homes for Good.”

A specific position and phone number will be provided as the contact person for requests for accommodation for persons with disabilities.

## **1-D. REASONABLE ACCOMMODATION**

A *reasonable accommodation* is a change, exception, or adjustment to a policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

## **1-E. REQUEST FOR AN ACCOMMODATION**

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the O/A treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the O/A's programs and services.

If the need for the accommodation is not readily apparent or known to the O/A, the family must explain the relationship between the requested accommodation and the disability.

### Homes for Good Policy

Homes for Good will encourage the family to make its request in writing using a reasonable accommodation request form. However, Homes for Good will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

## 1-F. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities can be found at 24 CFR Parts 8.3 and 100.201. The definition of a *person with a disability* for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of *disability*, which is used for waiting list preferences and income allowances. Definitions below:

- 1) Has a disability, as defined in 42 U.S.C. 423, which means:
  - a. Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months; or
  - b. In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i)(1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less
- 2) Has a physical, mental, or emotional impairment that:
  - a. Is expected to be of long-continued and indefinite duration;
  - b. Substantially impedes his or her ability to live independently; and
  - c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions
- 3) Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act 42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that:
  - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - b. Is manifested before the person attains age 22;
  - c. Is likely to continue indefinitely;
  - d. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) Self-care, (2) Receptive and expressive language, (3) Learning, (4) Mobility, (5) Self-direction, (6) Capacity for independent living, and (7) Economic self-sufficiency; and
  - e. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

Before providing an accommodation, the O/A must determine that the person meets the definition of a *person with a disability*, and that the accommodation will enhance the family's access to the O/A's programs and services.

If a person's disability is obvious or otherwise known to the O/A, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the O/A, the O/A must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The O/A must request only information that is necessary to evaluate the disability-related need for the accommodation. The O/A may not inquire about the nature or extent of any disability.

Medical records will not be accepted or retained in the participant file.

## **1-G. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]**

The O/A must approve a request for an accommodation if the following three conditions are met:

The request was made by or on behalf of a person with a disability.

There is a disability-related need for the accommodation.

The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the O/A, or fundamentally alter the nature of the O/A's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the O/A's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the O/A may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the O/A may verify the need for the requested accommodation.

### Homes for Good Policy

After a request for an accommodation is presented, Homes for Good will respond, in writing, within 14 calendar days.

If Homes for Good denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal Homes for Good's decision.

If Homes for Good denies a request for an accommodation because it is not reasonable, Homes for Good will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the PBRA program and without imposing an undue financial and administrative burden.

If Homes for Good believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, Homes for Good will notify the family, in writing, of its determination within 14 calendar days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal Homes for Good's decision.



## **1-H. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS [24 CFR 8.6]**

HUD regulations require the O/A to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the O/A's programs and services [24 CFR 8.6].

### Homes for Good Policy

To meet the needs of persons with hearing impairments, Homes for Good uses the Oregon Relay System and assisted listening devices.

To meet the needs of persons with vision impairments, large-print versions of key program documents will be made available upon request. Note-takers and readers will also be used. When visual aids are used in public meetings or presentations, or in meetings with Homes for Good staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant or tenant) to receive, interpret and explain housing materials.



## Chapter 2

### THE APPLICATION PROCESS

#### 2-A. MARKETING

The O/A will market available units in accordance with the HUD-approved Affirmative Fair Housing Marketing Plan (Form HUD-935.2A) in order to reach those who are least likely to apply and to attract a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, gender identity, or national origin.

#### 2-B. APPLYING FOR ASSISTANCE [24 CFR 880.603(a); HUD Handbook 4350.3, REV-1, CHG-4, Section 4-14]

Any family that wishes to reside at the property must apply for admission to the program. Applications must be signed by both the O/A and the applicant. HUD permits the O/A to determine the format and content of the application, as well how such applications will be made available to interested families and how applications will be accepted by the O/A. However, the O/A must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the application.

##### Homes for Good Policy

Depending upon the length of time between the date of application and the availability of housing, Homes for Good may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, Homes for Good initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list on a pre-application form. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Families may obtain application forms from Homes for Good's office during normal business hours. Pre-applications may also be downloaded from Homes for Good's website at [www.homesforgood.org](http://www.homesforgood.org). Families may also request – by telephone or by mail – an application form be sent to the family via first class mail. Completed applications must be returned to Homes for Good by mail, by fax, submitted in person during normal business hours, or submitted electronically. Applications must be filled out completely in order to be accepted by Homes for Good for processing. If an application is incomplete, Homes for Good will notify the family of the additional information required.

Applications may be made in person during specified dates and business hours posted at the Homes for Good offices at the following location(s):

**Homes for Good Fairview Office: 300 West Fairview Drive, Springfield, OR 97477**

**Fourteen Pines Office: 2786 Willakenzie Road, Eugene, OR 97401**

**Village Oaks Office: 3622 West 18<sup>th</sup> Avenue, Eugene, OR 97402**

Completed applications will be dated, time-stamped upon receipt, and referred to Homes for Good's office where resident selection and assignment is processed.

Individuals who are unable to complete an application in person may contact Homes for Good to make special arrangements to complete their application. If the applicant is visually impaired, or has limited English proficiency (LEP), all notices will be made available in a format understandable by the applicant.

All adult applicants will be given the opportunity to complete Form HUD-92006, Supplement to Application for Federally Assisted Housing, at the time of application and annually at recertification.

## **2-C. ACCESSIBILITY OF THE APPLICATION PROCESS**

The O/A must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard O/A application process.

The O/A must provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The facility where applications are accepted and the application process must be fully accessible, or the O/A must provide an alternate approach that provides equal access to the program.

## Chapter 3

### WAITING LIST PROCEDURES

#### 3-A. PLACEMENT ON THE WAITING LIST

The O/A must review each completed application received and make a preliminary assessment of the family's eligibility. Areas to be reviewed include requirements for income, household size/composition, student status, special status requirements such as age or disability status if needed, and criminal history. Applicants for whom the waiting list is open must be placed on the waiting list unless the O/A determines the family is ineligible.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the O/A will verify any preferences claimed, if applicable, and determine eligibility and suitability for admission to the program.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

#### **Ineligible for Placement on the Waiting List**

##### Homes for Good Policy

If Homes for Good determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, Homes for Good will send written notification of the ineligibility determination within 14 calendar days of receipt of the completed application.

The written notice will specify the reasons for ineligibility and will inform the family of its right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection. The notice will state that applicants who are persons with disabilities have the right to request a reasonable accommodation.

Appeals may be sent to the Hearings Officer at:

Address: 300 West Fairview Drive, Springfield, OR, 97477

Phone: 541-682-3755

Fax: 541-682-3875

#### **Eligible for Placement on the Waiting List**

##### Homes for Good Policy

Homes for Good will send written notification of the preliminary eligibility determination within 14 calendar days of receiving a completed initial (pre-) application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.

Applicants will be placed on the waiting list according to Homes for Good preference(s) and the date and time their complete application is received by Homes for Good.

Homes for Good will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 4).

Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to Homes for Good standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, Homes for Good will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

### **3-B. PREFERENCES [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-6; 24 CFR 5.655(c); Notice H 2013-21]**

O/As must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the O/A will use, if any. O/As are permitted, but not required to, establish local preferences as long as they are subordinate to any program-specific preferences. Preferences do not guarantee admission. O/As must inform all applicants about any available preferences and give all applicants the opportunity to show they qualify for available preferences. While HUD rules currently include four types of preferences, Section 8 properties may only implement owner-adopted preferences or state and local preferences. HUD approval is required for any state, local, or residency preferences. Owners may implement owner-adopted preferences outside of those cited in the regulations, such as a preference for homeless families [Notice H 2013-21]. If a homeless preference is adopted, it must be included in this TSP.

#### Homes for Good Policy

Homes for Good will apply a preference at all developments for:

- 10 pts - Victims of domestic violence, dating violence, sexual assault or stalking living in Public Housing managed by Homes for Good, or holding a Housing Choice Voucher issued by Homes for Good, whose situation requires moving out of the current unit.

Homes for Good will apply a preference for one bedroom units at Fourteen Pines for:

- 5pts – Applicants whose head or spouse meets the HUD definition of elderly or disabled. [4350.3 Ch. 4 Section 4-6 Paragraph C 5]

### **3-C. INCOME TARGETING REQUIREMENT [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-25]**

HUD requires O/As with Section 8 units to ensure that during a fiscal year at least 40 percent of the dwelling units assisted under the contract that become available, together with initial certification of in-place families (with the exception of in-place residents at the time of a RAD conversion), be extremely low-income (ELI) families. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [FR notice 6/25/14]. To ensure this requirement is met, the O/A may skip non-ELI families on the waiting list in order to select an ELI family.

Current households in properties converting to PBRA under RAD are not subject to income targeting provisions at the time of conversion.

#### Homes for Good Policy

Homes for Good will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

### **3-D. OPENING AND CLOSING THE WAITING LIST**

Should the wait for one or more bedroom size become excessive (exceeding 12 months), the O/A can, at their discretion, close the waiting list and no longer accept applications.

#### Homes for Good Policy

Should the wait for one or more bedroom size become excessive (exceeding 12 months), Homes for Good can, at their discretion, close the waiting list and no longer accept applications.

When the waiting list is closed, Homes for Good will make the public aware of the waiting list closing through notifying community agencies and the advertising and notification procedures outlined in the HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP), and will state the reasons for closing the waiting list. Should Homes for Good close the list, Homes for Good refuse to take additional applications.

When Homes for Good reopens the waiting list for one or more bedroom sizes, it will again notify the public in the manner outlined in the AFHMP. This notification will be extensive and will state how, when, and where to apply for an apartment and how applications will be added to the waiting list.

### **3-E. UPDATING THE WAITING LIST [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-18]**

Whenever a change is made in the waiting list, an action is taken, or an activity specific to an applicant occurs, a notation must be made on the waiting list.

#### Homes for Good Policy

The waiting list will be updated as needed to ensure that all applicant information is current and timely.

To update the waiting list, Homes for Good will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that Homes for Good has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response may be delivered in person, by mail, electronically or by fax. Responses should be postmarked or received by Homes for Good not later than 14 calendar days from the date of the Homes for Good letter.

If the family fails to respond within 14 calendar days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 14 calendar days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.



When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent Homes for Good from making an eligibility determination; therefore no informal hearing is required.

If a family is removed from the waiting list for failure to respond, Homes for Good may reinstate the family if the lack of response was due Homes for Good error, or to circumstances beyond the family's control.

Homes for Good will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required.

If the applicant does not provide, within the time stated on the Homes for Good letter, required documentation necessary for Homes for Good to determine eligibility, and Homes for Good therefore is unable to determine eligibility, the applicant will be removed from the waiting list.

If Homes for Good determines that the family is not eligible for admission at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because Homes for Good has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family of its right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection.

Any time contact is made, an action is taken, or any activity occurs that is specific to an application, a notation will be made on the waiting list.

### **3-F. SELECTION FROM THE WAITING LIST**

Waiting lists will be divided into sub-lists based upon unit size, unit type, and accessibility features needed. By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application, higher preference status, or preceding lottery number. Further, all selections from the waiting list will be made considering income targeting requirements.

#### Homes for Good Policy

Families will be selected from the waiting list based date and time of application and preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by Homes for Good.

### **3-G. APPLICANT INTERVIEW [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-24]**

When an appropriate unit will be available in the near future, the O/A must interview the applicant family to obtain current information about the family's circumstances. All information listed in Chapter 4 of the HUD Handbook 4350.3 must be discussed.

#### Homes for Good Policy

As applicants approach the top of the waiting list based on preference scoring, they will be contacted by telephone or email and first class mail to schedule an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or fail to reply to the letter will have their applications removed from the waiting list, subject to reasonable accommodation for persons with disabilities.

## Chapter 4

### PROJECT ELIGIBILITY

Program eligibility determines whether applicants are eligible for assistance, while project eligibility establishes whether applicants are eligible to reside in the specific project to which they have applied. Project eligibility may be effected by:

- Whether some or all of the units in the project are designated for specific family types
- Project-specific occupancy standards

#### **4-A. PROJECT-SPECIFIC REQUIREMENTS [HUD Handbook 4350.3, REV-1, CHG-4, Chapter 3, Section 2]**

The O/A is required to define if the property is designated for a special population, such as elderly or disabled.

##### Homes for Good Policy

Homes for Good does not have designated elderly or designated disabled housing at this time.

#### **4-B. INCOME ELIGIBILITY [24 CFR 5.653; HUD Handbook 4350.3, REV-1, CHG-4, Section 3-6, Figure 3-3]**

##### **Income Limits**

HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing programs, including the PBRA program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes in a particular area or county. Income limits are determined by HUD program type.

##### **Types of Low-Income Families**

*Low-income family.* A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

*Very low-income family.* A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

*Extremely low-income family.* A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

## **Using Income Limits for Eligibility**

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income eligible, the household's annual income does not exceed applicable program income limits, a copy of which will be available upon request.

### **4-C. OCCUPANCY STANDARDS [HUD Handbook 4350.3, REV-1, CHG-4, Section 3-23]**

In selecting a family to occupy a particular unit, the O/A may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 5.655(b)(4)]. HUD does not specify the number of persons who may live in units of various sizes. Although the O/A does determine the size of unit the family qualifies for under the occupancy standards, the O/A does not determine who shares a bedroom/sleeping room. Occupancy standards will be applied in a manner consistent with fair housing requirements. Applicants will be housed in a unit size appropriate for their household.

In accordance with HUD Handbook 4350.3, REV-1, CHG 4, household members include, but are not limited to the following:

- All full-time family members
- All anticipated children, defined as the following:
  - Children expected to be born to a pregnant woman
  - Children in the process of being adopted by an adult family member
  - Children whose custody is being obtained
  - Foster children who will reside in the unit
  - Children who are temporarily in a foster home who will return to the family
  - Children in joint custody arrangements who are present in the household 50 percent or more of the time
- Children who are away at school and who live at home during recesses
- Live-in aides
- Foster adults living in the unit

### Homes for Good Policy

Homes for Good will reference the following standards in determining the appropriate unit bedroom size for a family. These standards take into account the size of Homes for Good's units.

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1 BR	1	2
2 BR	2	4
3 BR	3	6

The family may only be on the waiting list for one bedroom size at any property. For example, if the family qualifies for both a one- and a two-bedroom waiting list, the family may not be on both lists. Once the family selects a bedroom size, they may not switch to a different bedroom size waiting list unless they experience a qualifying event such as birth, adoption, or court-awarded custody of a child.



## Chapter 5

### PROGRAM ELIGIBILITY

The O/A is responsible for ensuring that every individual and family admitted to the program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted. The family must provide any information needed by the O/A to confirm eligibility and determine the level of the family's assistance.

In addition to meeting the requirements listed in this section, in order to be eligible:

- The unit for which the applicant household is applying will be the household's sole place of residence.
- At the time of admission, the applicant may not be receiving rental assistance in another unit unless that assistance will be terminated at the time of admission.

#### **5-A. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [HUD Handbook 4350.3, REV-1, CHG-4, Section 3-12; 24 CFR 5, Subpart E]**

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the O/A's Limited English Proficiency (LEP) Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen, or an ineligible noncitizen, and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy [24 CFR 5.508(g)(5)].

## **Declaration [24 CFR 5.508]**

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals, and eligible noncitizens, the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 years of age or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

### ***U.S. Citizens and Nationals***

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the O/A to request additional documentation of their status, such as a birth certificate or U.S. passport.

#### Homes for Good Policy

Family members who declare citizenship or national status will not be required to provide additional documentation unless Homes for Good receives information indicating that an individual's declaration may not be accurate.

### ***Eligible Immigrants***

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

For family members age 62 or older who claim to be eligible immigrants, proof of age is required. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the O/A must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

The O/A will follow all USCIS protocols for verification of eligible immigration status.

### ***Ineligible Noncitizens***

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. The O/A is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).



## **5-B. SOCIAL SECURITY NUMBERS [24 CFR 5.216; Notice H 2016-09]**

Applicants do not need to disclose or provide verification of a Social Security Number (SSN) for all non-exempt household members at the time of application and/or for placement on the waiting list. If all household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant will be offered the unit. Applicants will have 90 days from the date an available unit is first offered to disclose and provide verification of SSNs for all household members. If the applicant is otherwise eligible for admission and the only outstanding verification is the disclosing and verification of the SSN, the applicant may retain their placement on the waiting list during the 90-day period. After 90 days, if the applicant has not been able to supply the required SSN and verification documentation, the applicant will be ineligible and removed from the waiting list.

Disclosure and verification documentation of a SSN is not required for a household member who is:

- Not contending eligible immigration status; and/or
- Age 62 or older as of January 31, 2010, and who do not have a SSN, whose initial determination of eligibility began before January 31, 2010

An applicant who has a household member under the age of 6, who does not yet have a SSN assigned, and was added to the household 6 months or less from the move-in date will have 90 days from the move-in date to provide documentation of the SSN for the child.

An additional 90-day period may be granted if failure to provide documentation of a SSN is due to circumstances that could not have been foreseen and were outside the control of the household, e.g., delay in processing by SSA, natural disaster, fire, death in family, etc.

While most individuals will be able to provide a Social Security card, if the applicant or tenant cannot produce a Social Security card for any non-exempt member, they may provide one or more of the following alternative documents:

- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual
- Driver's license with Social Security number
- Earning statements on payroll stubs
- Form 1099
- SSA benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

The O/A may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, or illegible, or if the document appears to be forged.

Social security numbers must be verified only once during continuously assisted occupancy.

Once the individual's verification status is classified as "verified," the O/A may remove and destroy copies of documentation accepted as evidence of Social Security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

#### Homes for Good Policy

Once an individual's status is classified as "verified" in HUD's EIV system, Homes for Good will not remove copies of documentation accepted as evidence of Social Security numbers.

### **5-C. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612; FR Notice 4/10/06; FR Notice 9/21/16; HUD Handbook 4350.3, REV-1, CHG-4, Section 3-13]**

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving Section 8 assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive Section 8 assistance. If, however, a student in these circumstances is determined independent from his or her parents, based on the Department of Education's definition of an independent student, the income of the student's parents will not be considered in determining the student's eligibility.

The law does not apply to students who reside with parents who are applying to receive Section 8 assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

If a student is applying for assistance on his/her own, apart from his/her parents, the O/A must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, the O/A must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and (3) the "family" with which the student is applying is collectively eligible for the program.

#### **Definitions**

In determining whether and how the new eligibility restrictions apply to a student, the O/A will rely on the following definitions [FR Notice 4/10/06, FR Notice 9/21/16].

#### ***Dependent Child***

In the context of the student eligibility restrictions, *dependent child* means a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states that the dependent must be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or

is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

## *Independent Student*

### Homes for Good Policy

Homes for Good will consider a student “independent” from his or her parents and the parents’ income will not be considered when determining the student’s eligibility if the following four criteria are all met:

The individual is of legal contract age under state law.

The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education’s definition of independent student.

To be considered an *independent student* according to the Department of Education, a student must meet one or more of the following criteria:

The individual is at least 24 years old by December 31 of the award year for which aid is sought

The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older

The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s state of legal residence

The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes

The individual is a graduate or professional student

The individual is married

The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)

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, or as unaccompanied, at risk of homelessness, and self-supporting by:

A local educational agency homeless liaison

The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director

The director of a program funded under the Runaway and Homeless Youth Act, or a designee of the director.

A financial aid administrator

The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.

The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

If the O/A determines that an individual meets the definition of a *vulnerable youth* such a determination is all that is necessary to determine that the person is an *independent student* for the purposes of using only the student's income for determining eligibility for assistance.

The O/A will verify that a student meets the above criteria in accordance with the policies in Section 7-II.E.

### ***Institution of Higher Education***

The O/A will use the statutory definition under section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education* (see Exhibit 3-2).

### ***Parents***

#### Homes for Good Policy

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

### ***Person with Disabilities***

The O/A will use the statutory definition under section 3(b)(3)(E) of the 1937 Act to determine whether a student is a *person with disabilities* (see Exhibit 3-1).

## ***Veteran***

### Homes for Good Policy

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

## ***Vulnerable Youth***

### Homes for Good Policy

A *vulnerable youth* is an individual who meets the U.S. Department of Education's definition of *independent student* in paragraphs (b), (c), or (h), as adopted in Section II of FR Notice 9/21/16:

(b) 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

(c) 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

(h) 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 section 722(g)(1)(J)(ii) of 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

## **Determining Student Eligibility**

If a student is applying for assistance on his/her own, apart from his/her parents, the O/A must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, the O/A must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and (3) the "family" with which the student is applying is collectively eligible for the program.

### Homes for Good Policy

For any student who is subject to the 5.612 restrictions, the O/A will:

Follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program

Determine whether the student is independent from his/her parents in accordance with the definition of *independent student* in this section

Follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program

If the O/A determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, the O/A will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an informal review in accordance with the policies in Section 16-III.B.

## ***Determining Parental Income Eligibility***

### Homes for Good Policy

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, the O/A will determine the income eligibility of the student's parents as follows:

If the student's parents are married and living together, the O/A will obtain a joint income declaration and certification of joint income from the parents.

If the student's parent is widowed or single, the O/A will obtain an income declaration and certification of income from that parent.

If the student's parents are divorced or separated, the O/A will obtain an income declaration and certification of income from each parent.

If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, the O/A will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. The O/A will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, the O/A will use the income limits for the jurisdiction in which the parents live.



**5-D. FAMILY CONSENT TO RELEASE OF INFORMATION [HUD Handbook 4350.3, REV-1, CHG-4, Section 5-12]**

The family must supply any information that the O/A or HUD determines is necessary to the administration of the program and must consent to O/A verification of that information.

The head of household, cohead, spouse, and all adult household members 18 years of age or older in each applicant household must sign the required Consent to the Release of Information Forms HUD-9887 and 9887-A prior to receiving assistance and annually thereafter.

Homes for Good Policy

Household members turning 18 years of age between annual recertifications will be notified in writing that they are required to sign the required Consent to the Release of Information Forms HUD-9887 and 9887A within seven days of turning 18 years of age.

All adult members must also sign all O/A-created individual verification forms. If any family member who is required to sign a consent form fails to do so, the O/A will deny admission to applicants or terminate the assistance of tenants.



## Chapter 6

### SCREENING CRITERIA

Screening is the determination that an otherwise eligible household has the ability to pay rent on time and meet the requirements of the lease. O/As are required to establish written screening criteria to prohibit admission of certain individuals and are permitted to establish additional written screening criteria to determine whether applicants will be suitable tenants.

Live-in aides are screened using the same requirements listed for applicants, with the exception of any criteria involving credit or ability to pay rent.

The cost of screening must not be charged to applicants.

#### **6-A. REQUIRED DENIAL OF ADMISSION [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-7; 24 CFR Part 5, Subpart I]**

HUD requires the O/A to deny assistance in the following cases:

- Any member of the household has been evicted from federally assisted housing in the last three years for drug-related criminal activity. HUD permits but does not require the O/A to admit an otherwise-eligible family if the household member has completed an O/A-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

##### Homes for Good Policy

Homes for Good will admit an otherwise-eligible family who was evicted from federally assisted housing within the past three years for drug-related criminal activity, if Homes for Good is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by Homes for Good, or the person who committed the crime is no longer living in the household.

- The O/A determines that any household member is determined to be currently engaged in the illegal use a controlled substance (e.g., marijuana). A controlled substance is defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

##### Homes for Good Policy

*Currently engaged in* is defined as any use of illegal drugs during the previous six months.

- The O/A has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### Homes for Good Policy

In determining reasonable cause, Homes for Good will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. A record of arrests will not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity. Homes for Good will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

#### Homes for Good Policy

At the time of application processing, Homes for Good will screen all applicants and household members for state sex offender registration in all states where the applicant and members of the applicant's household have resided using the Dru Sjodin National Sex Offender Database (<http://www.nsopw.gov>).

If it is determined that a household member is subject to a state lifetime sex offender registration requirement, the household will be denied, or assistance will be terminated, unless the ineligible household member is removed from the household. For applicant households, the ineligible household member must be removed from the application, or the application will be denied.

Should there be any evidence that any member of the applicant/resident household is subject to a state lifetime sex offender registration program or that any prior records have been falsified or not properly disclosed, or that a criminal history is discovered that violates the above policies, the resident's lease may be immediately terminated or the family will be given the opportunity to remove the offender from the household.

In the cases listed above, proof that the ineligible member has been removed from the household must be provided to management. This would include (1) executing a new lease without the eligible household member, or (2) established utility account at another address, or (3) verification of a change in address from the U. S. Postal Service for the ineligible member.

## **6-B. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION**

The O/A is responsible for screening family behavior and suitability for tenancy.

### Homes for Good Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied admission:

*Drug-related criminal activity*, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug

*Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage .

Criminal activity that may threaten the health, safety, or welfare of other tenants

Criminal activity that may threaten the health or safety of Homes for Good staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past five years. A conviction for such activity will be given more weight than an arrest or an eviction. A record of arrest will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity.

Homes for Good will deny admission to an applicant family if Homes for Good determines that the family:

Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past three years

Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three years which may adversely affect the health, safety, or welfare of other tenants

Has a pattern of eviction from housing or termination from residential programs within the past three years (considering relevant circumstances)

Owes rent or other amounts to this or any other O/A or PHA in connection with any assisted housing program

Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition, or rent

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program

Has engaged in or threatened violent or abusive behavior toward O/A personnel

*Abusive or violent behavior towards O/A personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

## 6-C. CONSIDERATION OF CIRCUMSTANCES

HUD authorizes the O/A to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated.

In the event the O/A receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, O/As may give consideration to factors that might indicate a reasonable probability of favorable future conduct.

### Homes for Good Policy

Homes for Good will consider the following facts and circumstances prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents' safety or property

The effects that denial of admission may have on other members of the family who were not involved in the action or failure to act

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking

The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future

While a record of arrests will not be used as the sole basis for denial, an arrest may, however, trigger an investigation to determine whether the applicant actually engaged in disqualifying criminal activity. As part of its investigation, Homes for Good may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. Homes for Good may also consider:

Any statements made by witnesses or the applicant not included in the police report

Whether criminal charges were filed

Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity

Evidence of criminal conduct, if it indicates a demonstrable risk to safety or property

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, Homes for Good will consider whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

Homes for Good will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Further, Homes for Good acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under Homes for Good's policies.

While Homes for Good is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform Homes for Good in accordance with Chapter 8 of this TSP that their status as a victim is directly related to the grounds for the denial. Homes for Good will request that the applicant provide enough information to Homes for Good to allow Homes for Good to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

### **Removal of a Family Member's Name from the Application**

#### Homes for Good Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member's current address upon Homes for Good request.

### **Reasonable Accommodation**

#### Homes for Good Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, Homes for Good will determine whether the behavior is related to the disability. If so, upon the family's request, Homes for Good will determine whether alternative measures are appropriate as a reasonable accommodation. Homes for Good will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission.

### **6-D. CREDIT HISTORY**

#### Homes for Good Policy

Homes for Good does not use credit history as part of the screening process.



## 6-E. RENTAL HISTORY

### Homes for Good Policy

In order to determine the suitability of applicants, Homes for Good will examine applicant history for the past three years.

Any one of the following by any household member listed on the application may result in rejection of the application:

Any history that the applicant has moved out of a residence owing a balance

Any eviction from a previous residence in the last three years, including but not limited to eviction from federally assisted housing for drug-related criminal activity

Four or more late payments of rent within a 12-month period from a current or previous residence

Any one report that the applicant, or his or her household members or guests, were destructive to the unit or common areas at a current or previous residence

Any one report that the applicant has or had poor housekeeping habits from a current or previous residence

Any one report that the applicant caused or was involved in disturbances at a current or previous residence

Any one report that the applicant did not abide by the rules and regulations at a current or previous residence

Homes for Good will also consider utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit, and whether the applicant can get utilities turned on in his or her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

If an applicant has no rental payment history, Homes for Good will check court records of eviction actions and other financial judgments, and credit reports. A lack of rental history will not disqualify someone from becoming a resident, but a poor rental history may.

Applicants with no rental payment history will also be asked to provide Homes for Good with alternative references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available.

During the screening process, if the applicant does not have enough documentation to determine housekeeping habits, Homes for Good may visit the applicant's current dwelling to assess housekeeping habits.

If Homes for Good receives a negative landlord reference, and the application is denied, the applicant may request an informal hearing. As part of the decision making process, Homes for Good will visit the applicant's current dwelling to assess housekeeping habits.

Minimum housekeeping standards are clean, safe, and sanitary. Homes for Good will only travel up to 25 miles from Homes for Good's office to assess an applicant's dwelling.

## **6-F. EXISTING TENANT SEARCH**

As part of the application review process, HUD requires that the O/A use the EIV system to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. The Existing Tenant Search will indicate if an applicant or any member of the household is currently receiving subsidy at another community. This report will be printed and maintained in the application file in accordance with HUD's recordkeeping requirements.

### Homes for Good Policy

If the EIV Existing Tenant Search reveals that the applicant or a member of the applicant's household is currently receiving HUD rental assistance at another residence, Homes for Good must follow up first with the resident to discuss the details of their circumstances, and then with the respective O/A or PHA to confirm the individual's program participation status prior to admission.

Homes for Good will also attempt to coordinate move-out and move-in dates with the resident and the respective O/A or PHA at the other location.

In addition, applicants will be verbally notified that rental assistance will not be provided for the new unit until the day after assistance stops in the current residence, as identified in TRACS.

Prior to move-in, the applicant will be required to submit to Homes for Good a move-out inspection form, signed and dated by the previous landlord.

## **6-G. MISREPRESENTATION OF INFORMATION**

An application will be rejected if during the course of processing it becomes evident that an applicant or any applicant household member has falsified or otherwise misrepresented any facts about his or her current situation, history, or behavior in a manner that would affect eligibility or applicant selection criteria qualifications, including preferences, income, assets, allowances, or rent. This provision shall not be applied to minor and unintentional mistakes that produce no benefit to the applicant.



## Chapter 7

### UNIT TRANSFER POLICY

#### 7-A. TRANSFER REQUESTS

The O/A is required to develop written unit transfer policies in the TSP that include transfer waiting lists, acceptable reasons for transfers, procedures for filling vacancies, and whether unit transfers take priority over applicants from the property waiting list.

The O/A's transfer policy must be reasonable, must ensure that families are not discriminated against based on race, color, religion, sex, national origin, age, familial status, and disability, and must be applied consistently.

##### Homes for Good Policy

Residents requesting a transfer to another unit will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, Homes for Good will encourage the resident to make the request in writing using a reasonable accommodation request form. However, Homes for Good will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Homes for Good will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, or stalking.

Homes for Good will respond within 14 calendar days of the submission of the family's request.

The resident will be housed in the next available appropriately sized vacant unit, when they reach the top of the transfer waiting list. The resident understands that this unit will become their permanent residence.

## 7-B. TYPES OF TRANSFERS

### Homes for Good Policy

The following are the only instances in which a transfer will be approved:

#### **Emergency Transfers**

Maintenance conditions in the resident's unit, building, or at the site that pose an immediate, verifiable threat to the health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Unit is uninhabitable through no fault of the resident (i.e., fire, flood, tornado, etc.), and emergency transfers under VAWA.

#### **Uninhabitable Unit**

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, Homes for Good will provide temporary accommodations to the tenant by arranging for temporary lodging. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, Homes for Good will transfer the resident to the first available and appropriate unit after the temporary relocation.

If there is no vacant unit available in the case of an uninhabitable unit, the resident will be directed to the Red Cross or other appropriate agencies for temporary housing, then rehoused in their original unit after all repair work has been completed.

If more than one resident is displaced due to a fire, flood, tornado, etc., households will be placed in appropriately sized vacant units in order of initial move-in date. If no vacant units are available, the same procedures will be followed as described above.

#### **VAWA**

For a verified incident of domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may be established through documentation outlined in Chapter 8. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383), although, Homes for Good may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If Homes for Good accepts an individual's statement, Homes for Good will document acceptance of the statement in the individual's file in accordance with Chapter 8 of this TSP.

Homes for Good will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. Homes for Good will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. Homes for Good defines *immediately available* as a vacant unit that is ready for move-in within a reasonable period of time, not to exceed 60 days.

Homes for Good has adopted an emergency transfer plan, which is included as Exhibit 8-1 to this plan.

These transfers are mandatory.

## **Homes for Good-Required Transfers**

The types of transfers that may be required by Homes for Good include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, and transfers for demolition, disposition, revitalization, or rehabilitation.

Transfers required by Homes for Good are mandatory.

### **Transfers to Make an Accessible Unit Available**

When a non-accessible unit becomes available, Homes for Good will transfer a family living in an accessible unit that does not require the accessible features to an available unit that is not accessible. Homes for Good may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

If a resident is required to transfer to make an accessible unit available, the resident has 30 days after they have been notified that an appropriately sized unit is available. Costs associated with this type of transfer will be at the resident's expense. If they do not move within that time frame, they are required to pay full market rent in their current unit.

### **Occupancy Standards Transfers**

Homes for Good will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

Homes for Good may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on Homes for Good's occupancy standards when Homes for Good determines there is a need for the transfer.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) will only be required to transfer if it is necessary to comply with the approved exception.

If a resident is required to transfer due to a change in household composition, the resident has 30 days after they have been notified that an appropriately sized unit is available for them. Costs associated with this type of transfer will be at the resident's expense. If they do not move within that time frame, they are required to pay full market rent in their current unit.

### **Transfers for Demolition, Disposition, Revitalization, or Rehabilitation**

For households temporarily displaced due to a project involving demolition, disposition, revitalization, or rehabilitation of their current unit, Homes for Good will comply with all requirements in the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

### **RAD Requirements [Notice H 2017-03, REV-3]**

For households displaced as a direct result of Homes for Good planning or implementing resident moves due to a conversion of a public housing project under RAD, Homes for Good will comply with all requirements in the RAD Civil Rights – Relocation Notice H 2016-17.

### **Transfers Requested by Residents**

The types of requests for transfers from residents that Homes for Good will consider are limited to requests for transfers to alleviate a serious or life-threatening medical condition, VAWA transfers, and reasonable accommodation. No other transfer requests will be considered by Homes for Good.

Should a resident request a unit transfer as a reasonable accommodation, Homes for Good will pay the cost of the physical move for the resident as long as doing so does not place an undue financial and administrative burden upon Homes for Good.



## 7-C. TRANSFER LIST

### Homes for Good Policy

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions, VAWA)
2. High-priority transfers (verified medical condition, and reasonable accommodation)
3. Transfers to make accessible units available
4. Demolition, renovation, etc.
5. Occupancy standards
6. Other Homes for Good-required transfers
7. Other tenant-requested transfers

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

Transfers will take precedence over waiting list admissions. Existing residents approved to receive Section 8 assistance will also be given priority over external applicants when allocating available Section 8 assistance slots.



## Chapter 8

### THE VIOLENCE AGAINST WOMEN ACT (VAWA)

#### 8-A. OVERVIEW

The Violence against Women Reauthorization Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the PBRA program. If your state or local laws provide greater protection for such victims, those apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this chapter contains general VAWA requirements and O/A policies in three areas: notification, documentation, and confidentiality, as well as the O/A's Emergency Transfer Plan required under VAWA 2013.

#### 8-B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the position or place of a parent; or
  - Any individual, tenant or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent

- The term *stalking* means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## **8-C. NOTIFICATION [24 CFR 5.2005(a)]**

### **Notification to Public**

The O/A adopts the following policy to help ensure that all actual and potential beneficiaries of its program are aware of their rights under VAWA.

#### Homes for Good Policy

Homes for Good will post the following information regarding VAWA in its offices and on its website. This information is also provided to applicants during the intake process and will be made available to anyone who requests it.

A copy of form HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act (Exhibit 8-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (Exhibit 8-2)

A copy of the O/A's emergency transfer plan (Exhibit 8-3)

A copy of the O/A's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 8-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)

Contact information for local victim advocacy groups or service providers

## **Notification to Applicants and Tenants [24 CFR 5.2005(a)]**

The O/A must provide the Notice of Occupancy Rights (HUD-5380) and certification form (HUD-5382) at admission, along with any notice of denial or eviction and during the first 12 months following the effective date of the final rule implementing VAWA 2013 (December 16, 2016).

### Homes for Good Policy

Homes for Good will provide all applicants with information about VAWA at the time they request an application for housing assistance. Homes for Good will also include such information in all notices of denial of assistance.

Homes for Good will provide all tenants with information about VAWA at the time of admission and at annual reexamination. Homes for Good will also include such information in all termination of assistance and termination of tenancy (eviction) notices.

The O/A is not limited to providing VAWA information at the times specified in the above policy.

### Homes for Good Policy

Whenever Homes for Good has reason to suspect that providing information about VAWA to a tenant or affiliated individual might place a victim of domestic violence, dating violence, sexual assault, or stalking at risk, it will attempt to deliver the information by hand directly to the victim, or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, Homes for Good may decide not to send mail regarding VAWA protections to the victim's unit if Homes for Good believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, Homes for Good will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

## **8-D. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY**

### **Family Breakup**

Except under the following conditions, the O/A has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the O/A must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see Section 8-E of this plan.)
- If a court determines the disposition of property between members of the assisted family, the O/A is bound by the court's determination of which family members continue to receive assistance.

#### Homes for Good Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living on the property, only one of the new families will retain occupancy of the unit.

If a court determines the disposition of property between members of an applicant or resident family, Homes for Good will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, Homes for Good will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, Homes for Good will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse, and provides documentation in accordance with section 8-E of this TSP; (4) any possible risks to family members as a result of criminal activity; and (5) the recommendations of social service professionals.

## **8-E. DOCUMENTATION [24 CFR 5.2007]**

An O/A presented with a claim for initial or continued assistance based on status as a victim or threatened victim of domestic violence, dating violence, sexual assault, or stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The O/A may extend this time period at its discretion. However, in the case of conflicting certifications, the O/A may require documentation within 30 days from the date of the request [24 CFR 5.2007(a)].

The individual may satisfy the O/A's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

1. A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation)
2. A federal, state, tribal, territorial, or local police report or court record, or an administrative record
3. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider, an attorney, a mental health professional, or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The O/A may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [24 CFR 5.2007(b)(2)].

### Homes for Good Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

Homes for Good may, at its discretion, extend the deadline for 10 business days.

In determining whether to extend the deadline, Homes for Good will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by Homes for Good will be in writing.

Once the victim provides documentation, Homes for Good will acknowledge receipt of the documentation within 10 business days.

### **Conflicting Documentation [24 CFR 5.2007(b)(2)]**

In cases where the O/A receives conflicting certification documents 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, the O/A may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The O/A may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to the O/A. The O/A must honor any court orders issued to protect the victim or to address the distribution of property. In cases of conflicting information, the O/A may require an applicant or tenant to submit third-party documentation within 30 calendar days of the date of the request for the third-party documentation.

#### Homes for Good Policy

If presented with conflicting certification documents (two or more forms HUD-5382) from members of the same household, Homes for Good will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) and by following any HUD guidance on how such determinations should be made.

If Homes for Good does not receive third-party documentation within the required timeframe (and any extensions), Homes for Good will deny VAWA protections and will notify the applicant or tenant in writing of the denial.

The individuals requesting relief under VAWA will have 30 calendar days to submit third-party documentation. Homes for Good may, at its discretion, extend the deadline for 10 business days. Any extension granted by Homes for Good will be in writing.

When requesting third-party documents, Homes for Good will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

### **Discretion to Require No Formal Documentation [24 CFR 5.2007(b)(1)(iv)]**

The O/A has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

#### Homes for Good Policy

If Homes for Good accepts an individual's statement or other corroborating evidence (as provided by the victim) of domestic violence, dating violence, sexual assault, or stalking, Homes for Good will document acceptance of the statement or evidence in the individual's file.

### **Failure to Provide Documentation [24 CFR 5.2007(a)(2)]**

In order to deny relief for protection under VAWA, the O/A must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to



provide the documentation within 14 business days from the date of receipt, or such longer time as the O/A may allow, the O/A may deny relief for protection under VAWA.

### **8-E. CONFIDENTIALITY [24 CFR 5.2007(c)]**

All information provided to the O/A regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be retained in confidence. This means that the O/A (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

#### Homes for Good Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, Homes for Good will inform the victim before disclosure occurs so that safety risks can be identified and addressed.