



## RESIDENT SELECTION GUIDELINES

May 2024

**OAK VILLAGE INDEPENDENCE HOUSE** consists 10 one-bedroom midrise apartments. All apartments are equipped with a foyer, living room, kitchen, bathroom, and storage closets. Amenities include on-site laundry, community room, free parking, and emergency call button system.

**OAK VILLAGE INDEPENDENCE HOUSE** is regulated by the HUD Section 811 PRAC program and is required to comply with the applicable housing laws and regulations including the following:

- Title VI of the Civil Rights Act of 1964
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- Fair Housing Amendments Act of 1988
- Violence Against Women Act (VAWA) 2013 Final Rule
- HUD 4350.3 and its Changes
- Elliott-Larsen Civil Rights Act 453
- Equal Access Housing in HUD Programs (Feb 3, 2012)
- HOTMA (Housing Opportunity Through Modernization Act)

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## **FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS STATEMENT OF NONDISCRIMINATION**

Volunteers of America is pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. Volunteers of America shall not discriminate because of race, color, gender, familial status, religion, disability, or national origin in the leasing, rental, or other disposition of housing. Volunteers of America will make leasing decisions without regard to sexual orientation, gender identity, or marital status of applicants and residents. Specifically, Volunteers of America shall not:

- Deny the opportunity to apply for housing to any person or household;
- Deny the opportunity to lease housing suitable to the household's needs;
- Provide housing which is different than that provided to others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or,
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

### **ELLIOTT-LARSEN CIVIL RIGHTS ACT 453 OF 1976**

The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status is prohibited by this act, is recognized and declared to be a civil right.

This section shall not be construed to prevent an individual from bringing or continuing to bring an action arising out of sex discrimination before July 18, 1980 which action is based on conduct similar to or identical to harassment.

This section shall not be construed to prevent an individual from bringing or continuing an action arising out of discrimination based on familial status before the effective date of the amendatory act that added this subsection which action is based on conduct similar to or identical to discrimination because of the age of persons residing with the individual bringing or continuing the action.

## **MARKETING**

**Fair Housing and Affirmative Marketing.** This community enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, national origin, gender identity, or sexual orientation. Whenever applicants are needed to fill available apartments, advertising will be carried out in accordance with the HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP). The community complies with the requirements of the HUD-approved AFHMP established by the community. The purpose of the Plan is to ensure eligible families of similar income levels will have a similar range of housing opportunities. The Plan outlines marketing strategies the community will use. Special efforts will be made to attract persons who are least likely to apply due to such factors as racial or ethnic composition and/or the disabled population of the neighborhood.

Additionally, this community will post the required Fair Housing poster in a clearly visible location of the leasing office so that it is readily apparent to all persons seeking housing at this community.

**Monitoring.** The community will monitor marketing efforts and document the results in writing. The documentation will be made available, upon request, for all marketing activities, to demonstrate adherence to



the AFHMP. This documentation will include copies of media and marketing materials, records of marketing activities conducted and documentation of any special marketing activities.

**Review.** In accordance with HUD regulations, the community will review and document the review of its AFHMP, at least, once every five years and update the AFHMP as needed to ensure compliance.

**Form of Advertisement.** All advertising for this community will include either the HUD-approved Equal Housing Opportunity logo, slogan, or statement.

### **IMPROVING ACCESS TO SERVICE FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

Executive Order (E.O) 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English.

Volunteers of America will take reasonable steps to ensure meaningful access to the information and services we provide for person with Limited English Proficiency. This may include interpreter services and/or written materials translated into other languages.

### **REASONABLE ACCOMMODATIONS AND MODIFICATIONS**

Volunteers of America will seek to identify and eliminate situations or procedures that create barriers to equal housing opportunity for all. Volunteers of America will make reasonable accommodations to our standard policies, procedures, services, and structural modifications to units and/or common areas for applicants and residents with disabilities unless doing so will result in a fundamental alteration in the nature of the program or an undue financial or administrative burden on the property. Volunteers of America will make efforts to provide another accommodation that will not result in a fundamental alteration in the nature of the program nor an undue financial or administrative burden when possible.

Volunteers of America is not required to:

- Make structural alterations to units or common areas that require the removal or altering of a load-bearing structure;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or services; or
- Take any action that would result in an undue financial or administrative burden, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

Applicants and residents seeking reasonable accommodations in the application process or during their tenancy may contact the housing management office located within this community.

Applicants and residents may also contact the VOA National Civil Rights Compliance Officer for Housing at 800.899.0089 to request an accommodation. Requests for reasonable accommodations may be submitted in writing, orally, or any other equally effective method of communication.



## QUALIFYING FOR ADMISSION—ELIGIBILITY REQUIREMENTS

All applicants must meet specific requirements to be eligible for the HUD Section 202/8 program. All applicants will be screened carefully prior to move-in and the following eligibility standards apply:

### **A. Income Limits:**

The household's total annual income must not exceed the program income limits published by HUD and adjusted annually for the geographic area in which the property is located. The applicable program income limit is the very-low income limit, or fifty percent (50%) of Area Median Income (AMI).

### **B. Student Eligibility:**

In order for a student to be determined eligible for occupancy, they must meet the following definition by the U.S. Department of Education's definition of an "independent student":

- The student must be 24 years of age by December 31 of the year in which they apply; or
- Be 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; or
- Be, 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; or
- Be a veteran of the armed forces of the United States or is currently in service on active duty in the armed forces for other than training purposes; or
- Be a graduate or professional student; or
- Be married; or
- Have legal dependents other than a spouse; or
- Have 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 an unaccompanied youth at risk of homelessness and self-supporting, by
- A local educational agency homeless liaison, designed pursuant to Section 722(g)(1)(J)(ii); or
- The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; or
- The director of a program funded under subtitle B of IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
- A financial aid administrator.
- Be a student for whom a financial aid administrator makes a documented determination of independence by a reason of other unusual circumstances.

Student eligibility will be determined prior to move-in and at annual recertification. Additionally, changes in student status between annual recertifications must immediately be reported to management and student eligibility will be determined via interim certification.

If the student is receiving financial assistance, all assistance received under 479B of the HEA be is excluded from income. Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, that exceeds the actual covered costs will be included as income. Actual covered costs include: tuition, books, supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and fees required and charged to a student by an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1087uu)).

### **C. Occupancy Standards:**

The household size must be appropriate for the available apartments at this community. In general, the



following occupancy standards apply:

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

The following household members will be counted when determining the appropriate unit size:

- All adults and children expected to live in the unit, including:
  - unborn children,
  - children in the process of being adopted,
  - children subject to joint custody agreements that live in the unit at least 50% of the time,
  - children temporarily absent due to placement in foster care,
  - children away at school who live with the family during school recesses;
- Live-in aides; and
- Foster children and foster adults (note that foster children and foster adults are not considered part of the family and no income or assets for the foster children or adults will be included in determining rent and/or income eligibility)

The following household members will not be counted when determining the appropriate unit size:

- Students away at school who have established residency at another address, that is, they have signed a lease agreement for another address other than a dormitory;
- Adults on active military duty; and
- Permanently institutionalized family members.

A larger unit may be assigned as an exception to these occupancy standards when:

- There is a reasonable accommodation to a disability; and
- There is no eligible family of appropriate size available to occupy an apartment within 60 calendar days and, by signing a Transfer Agreement, the household agrees to transfer, at its own expense, to an apartment of appropriate size when one becomes available.

#### **D. Social Security Numbers:**

All household members must disclose valid Social Security Numbers (with verification) to receive Section 8 rental assistance. This includes persons under the age of eighteen (18), live-in aides, foster children, and foster adults.

Rental assistance will not be provided until all household members have disclosed valid Social Security Numbers unless they are exempt individuals as follows:

- Individuals age 62 years of age and older who have not been assigned a Social Security Number and whose initial determination of eligibility was begun prior to January 31, 2010 or who were receiving Section 8 housing assistance as of that date; and
- Individuals who do not contend eligible immigration status.

Acceptable forms of verification of Social Security Numbers include:

- Original Social Security card;
- Driver's license with Social Security Number;
- Identification card issued by a federal, state, or local agency, a medical insurance provider, or an employer or trade union;

- Earnings statements on payroll stubs;
- Bank statement;
- Form 1099;
- Benefit award letter;
- Retirement benefit letter ;
- Life insurance policy;
- Court records; and
- A letter from the U.S. Department of Homeland Security indicating that a Social Security Number has been assigned for individuals who have applied for legalization under the Immigration Reform and Control Act of 1986.

Social Security Numbers do not need to be disclosed or verified to be placed on the waiting list; however, Social Security Numbers for all household members must be disclosed and verified for all non-exempt household members before application processing can be completed and the household can be approved for move-in.

If all non-exempt household members have not disclosed and verified Social Security Numbers at the time of the applicant interview, Volunteers of America will then move to the next applicant household on the Waiting List. The household with members who have not disclosed and verified Social Security Numbers will retain its original place on the Waiting List for up to 90 calendar days while awaiting documentation to verify the Social Security Numbers. After 90 calendar days, if the household is unable to disclose and provide verification of Social Security Numbers, the household will be determined ineligible for failure to supply required information and removed from the Waiting List.

When adding a new household member under the age of six (6) in applicant households within six (6) months of admission or move-in, the household must disclose and provide verification of the Social Security Number within ninety (90) days of the date of admission of the child. An extension of an additional ninety (90) days must be granted due to extenuating circumstances beyond the household's control. See paragraph 6.a.1 for additional guidance.

When adding a new household member who, regardless of age, has a Social Security Number, the existing resident must disclose and provide verification of the Social Security Number of the individual to be added to the household. The Social Security Number must be disclosed and verification provided to community management at the time of the request to add the proposed household member or at the time of recertification that includes the new household member.

When adding a new household member who is under the age of six (6) years who has not yet been assigned a Social Security Number, the resident must disclose and provide verification of this new household member's Social Security Number within ninety (90) calendar days of the child being added to the household. (Note: A ninety (90) calendar day extension may be granted if the resident's failure to comply with this policy is due to circumstances that could not have been foreseen and were outside of the resident's control, i.e. delay in processing by the Social Security Administration, natural disaster, fire, death, etc.)

During the period that community management is awaiting disclosure and verification of the person referenced above, the child will be included as part of the household and shall be entitled to all of the benefits of being a household member, including receiving the dependent and other eligible deductions. A TRACS ID will be assigned to the child until such time when the assigned Social Security Number is disclosed and verified. If the resident fails to disclose and provide verification of the child's Social Security Number within the specified timeframe, the household is subject to termination of tenancy.

HUD recognizes that it has become increasingly difficult for applicants to meet HUD's SSN disclosure requirements, particularly for those individuals experiencing homelessness. Volunteers of America will still attempt to gather third-party verification of SSN prior to admission; however, in an instance where an applicant is unable to provide such verification and has documentation to explain the situation that adequately

demonstrates a legitimate reason for their inability to provide such verification, Volunteers of America will accept a self-certification and a third-party document with the applicant's name printed on it to satisfy the SSN disclosure requirement. This will only be permitted if we have exhausted all other attempts to obtain the required documentation. Acceptable third-party documents include: bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual.

If verifying an individual's SSN using this method, Volunteers of America will include documentation in the file to explain why this method was used. If the tenant's SSN becomes verified in EIV, then no further verification is required. If the tenant's SSN fails the SSA identity match, then resident must provide a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the resident and the SSN of the resident, along with other identifying information of the individual. If this documentation is not received, the tenant's assistance will be terminated.

**E. Age.**

The units within this community are designated as housing for the "Elderly." To qualify the Head of Household, Co-Head of the Household, or the Spouse of the Head or Co-Head of Household must be at least sixty-two (62) years of age at the time of application.

**F. Only Residence.**

The apartment for which the household is applying at this community must be the household's only residence.

**G. Consent.**

All adults, those eighteen (18) years of age and older, in the household must sign all consent and verification forms.

Failure to sign and submit the required forms and requested information will result in the application being denied. This includes:

- Form-HUD 9887, Notice and Consent for the Release of Information;
- Form-HUD 9887-A, Applicant's/Tenant's Consent to the Release of Information;
- Combined Disclosure Notice and Authorization Regarding Background Consumer Reports (the criminal background check release form); and
- All other verification forms authorizing community management to verify household income and other information relevant to eligibility and amount of rental assistance. With the exceptions of age, Social Security Number, or eligible immigration status, all verified information and required information must be dated within 120 days of the certification date.

Household members who will become eighteen (18) years of age between annual recertification dates must participate in the recertification process, including providing consent as described above no later than ten (10) calendar days after reaching the age of majority.

Any household member added to the lease will also need to provide consent as described above.

The executed consent forms HUD 9887/9887A will remain effective until the family is denied assistance, the assistance is terminated, or if the family provides written notification to revoke consent.

Families have the right to revoke consent by providing written notice to Volunteers of America; however, revoking consent will result in termination of assistance or denial of admission.

**H. Rent Payment.**

An applicant household must agree to pay the rent required by the rental assistance program. This is formalized with the signing of a lease agreement and the form-HUD 50059 Tenant Certification.



## VERIFICATION REQUIREMENTS

### **A. Age.**

Some units within this community are designated as “Elderly.” To qualify for this unit type, the Head of Household, Co-Head of the Household, or the Spouse of the Head or Co-Head of Household must be at least sixty-two (62) years of age at the time of application. For purposes of eligibility only, the following documents will be accepted to verify an applicant’s age:

- Birth certificate; or
- Baptismal certificate; or
- Military Discharge Papers; or
- Valid Passport; or
- Census document showing age; or
- Naturalization certificate; or
- SSA Benefits Award letter or similar original SSA document; or
- SSI Old Age Benefits Award letter or similar original SSA document.

### **B. Income.**

All sources of income that are included in the household’s total annual income and that are used to determine applicant eligibility will be verified.

#### Sources and types of income.

Total annual income shall include individual household members’ income from:

- Wages from household members age 18 years and older engaged in part-time and full-time employment; and
- Social Security benefits for all household members, regardless of age; and
- Welfare, general assistance, and other state-provided benefits for all household members, regardless of age; and
- Income from assets to which any household member, regardless of age, has access such as:
  - personal property and checking, savings, and other bank accounts; and
- Regular contributions from non-household members; and,
- Other sources of income as defined in Exhibit 5-1 of HUD Handbook 4350.3 as revised and updated.

#### Means-Tested (SAFE HARBOR) Verification of Income:

This community will accept the following types of means-tested federal public assistance programs to determine a family’s annual income, including income from assets, prior to the application of any deductions based on income determinations made within the previous 12-month period:

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- Medicaid (42 U.S.C. 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786).
- Supplemental Security Income (42 U.S.C. 1381 et seq.).
- Other programs administered by the Secretary.
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding.
- Other federal benefit determinations made by other means-tested federal programs that the Secretary

determines to have comparable reliability and announces through a Federal Register notice.

Any such documentation must include the following in order to be used:

- the family size, must be for the entire family (i.e., the family members listed in the documentation must match the family's composition in the assisted unit,
- and must state the amount of the family's annual income.

The Safe Harbor verification may be in the form of an award letter from the relevant federal program and must show that the family's income determination was made in the previous 12 months.

The Safe Harbor documentation will be considered acceptable if any of the following dates fall into the 12-month period prior to the receipt of the documentation by this community:

- Income determination effective date;
- Program administrator's signature date;
- Family's signature date;
- Report effective date; or
- Other report-specific dates that verify the income determination date.

If we are unable to obtain Safe Harbor documentation, or if the family disputes the other program's income determination, then we will verify and calculate income based on HUD guidelines.

The family is obligated to report changes in income that meet the reporting requirements described in this plan

#### Self Certification of Assets

This community will accept a family's self-certification of net family assets that are equal to or less than \$50,000 as adjusted annually for inflation.

In addition, this community will accept a family's self-certification of net family assets that are equal to or less than \$50,000 as adjusted annually for inflation at the time of move in.

Third party verification of assets will be required every 3rd year regardless of value of assets. Third party verification of assets will also be required when net family assets exceed \$50,000 as adjusted annually for inflation.

#### Streamlining Income

Management may elect to apply a streamlined income determination for families receiving fixed income as codified in the FAST Act.

Management must obtain third-party verification of all income amounts every 3 years when using streamlining. In years where streamlining is used:

- Fixed-income sources: Management must apply a cost of living adjustment (COLA) or COLAs provided that the family certifies both that:
  - 90 percent or more of their unadjusted income is fixed income, and
  - that their sources of fixed income have not changed from the previous year.
- Non-fixed income sources: When fixed income is 90% or more of the family's gross annual income, Management may either:
  - carry over the calculation of non-fixed income from the first year to years 2 and 3 with no adjustments, or

- adjust sources by the amount determined on the basis of third-party verification.

When fixed income is less than 90% of the family's gross annual income, Management must verify all non-fixed income sources.

#### Households Claiming Zero Income.

Households that have a total annual income of zero dollars (\$0) are eligible to reside at this community. If, at the time of move-in, an applicant reports no income, or zero income, the household will be advised that it is required to complete a Zero Income Affidavit certifying its sources of necessary living expenses that are not covered by SNAP, "food stamps," or other excluded assistance programs. After ninety (90) calendar days, and for every ninety (90) calendar day period thereafter, the household will be interviewed and required to complete a Zero Income Affidavit. An EIV Income Report, Income Discrepancy Report, and No Income Report will be run for all household members of the household claiming zero income at the time of the ninety (90) calendar day interview.

#### Enterprise Income Verification (EIV).

The HUD EIV system is an income verification used by this community to validate identity, wages, unemployment, and Social Security benefits at the time of move-in, or initial certification, interim recertification, and/or annual recertification. This is also known as automated written third-party verification. Additionally, the EIV system is used to determine whether any applicant householdmember is currently receiving rental assistance from another federal program. This community's staff has been trained to use EIV data and reports and is currently in compliance with guidelines outlining technical, administrative, and physical safeguards to ensure the security and confidentiality of resident personal and private information.

## THE APPLICATION PROCESS

### **A. General Policy**

It is the policy of Volunteers of America and this community to accept pre- applications and full applications in accordance with the current program requirements. Applicants with disabilities may be provided an alternative method of having an application processed as a result of their disability or may request assistance from community management in the completion and/or submission of an application.

All current and known prospective household members, including live-in attendants, must be listed on the application at the time of submission.

Every application must be completed and signed by all adult household members age eighteen (18) years of age and older.

The date and time that the pre-application and/or full-application is accepted by management will be recorded. This date and time determines an applicant household's place on the community's Waiting List.

### **B. Pre-Application for Rental Housing:**

The Pre-Application for Rental Housing is a short-form document that captures the most basic applicant household information used by management to make a preliminary eligibility determination and add the household to the Waiting List. A Pre-Application for Rental Housing will be given to all applicants if a unit will not be available within 120 days from the date of application. Applicants who complete a Pre-Application for Rental Housing must also complete a full Rental Application when the household reaches the top of the Waiting List and is notified that an apartment is available.

The Pre-Application for Rental Housing consists of the following documents:

- Notice to Applicants and Residents regarding Limited English Proficiency;
- Pre-Application for Rental Housing; and
- Form HUD-27061-H Race and Ethnic Data Reporting Form

The Pre-Application for Rental Housing and form HUD-27061-H Race and Ethnic Data Reporting Form must be completed and returned by the applicant household to be placed on the community's Waiting List. A blank form HUD-27061-H Race and Ethnic Data Reporting Form, should the household choose not to disclose Race and Ethnic information, accompanied by a completed Pre-Application for Rental Housing is considered a complete Pre-Application.

If the Waiting List is closed at the time of a request for an application, this community will not distribute Pre-Applications until such time as the Waiting List is reopened and Pre-Applications are again accepted.

Pre-applicant households that appear to meet the minimum eligibility requirements at the time the Pre-Application is accepted by management will have the household added to the community's Waiting List in chronological order based on the date and time of the Pre-Application. Approved pre-applicant households will receive written notification that the household is preliminarily approved and has been added to the community's Waiting List. Approved pre-applicants will be contacted when an apartment becomes available.

Pre-applicant households who fail to meet any one (1) of the minimum eligibility requirements will be denied and will not be added to the community's Waiting List. Rejected pre-applicant households will receive written notification of the pre- application denial that includes the reason(s) for the denial.

### **C. Rental Application:**

The Rental Application is the full application for rental housing that requests detailed information that will assist the community management in making a final eligibility determination and the amount of rent paid and assistance received by applicant households.

The Rental Application packet shall consist of the following documents:

- Notice to Applicants and Residents regarding Limited English Proficiency;
- Rental Application;
- Form HUD-27061-H Race and Ethnic Data Reporting Form (if not previously completed at the time of Pre-Application);
- Form HUD-92006 Supplement to the Application for Federally-Assisted Housing; and
- Citizenship Declaration Form.
- Verification consent forms.

Completion of form HUD-27061-H Race and Ethnic Data Reporting Form and form HUD-92006 Supplement to the Application for Federally Assisted Housing is voluntary. Applicant households who complete and sign the Rental Application and fail to complete form HUD-27061-H Race and Ethnic Data Reporting Form and form HUD-92006 Supplement to the Application for Federally Assisted Housing are within their rights and violate no policy by refusing to share this information. Blank form HUD-27061-H Race and Ethnic Data Reporting Form and form HUD-92006 Supplement to the Application for Federally Assisted Housing accompanied by a completed Rental Application is considered a complete Rental Application.

Rental Applications will be distributed to interested applicants when an apartment is currently or will be available within one hundred twenty (120) calendar days from the date of application.

When an applicant household has previously completed a Pre-Application for Rental Housing, the date of application will be the date and time recorded by management when the Pre-Application for Rental Housing was received and accepted by management. Pre-applicant households must complete a full Rental Application at the time the household reaches the top of the Waiting List and is being considered for an available apartment.

If the Waiting List is closed at the time of a request for an application, this community will not distribute Rental Applications until such time as the Waiting List is reopened and Pre-Applications or Rental Applications are again accepted.

### **D. Application Processing**

All applications for rental and subsequent interim and annual recertifications are required to be completed using the application forms available from the community's leasing office. Applicants may request reasonable accommodations if they are unable to complete an application due to a disability. Original application documents and associated verifications of income and personal information must be provided to Management for an application to be considered as complete.

#### **Approval or Denial of Application**

- Applications will be accepted through management's online application portal, in person, or by a method detailed in an approved request for a reasonable accommodation.
- Upon approval, applicants will be notified by management within seven (7) days, either in writing (letter or e-mail), or verbally via telephone or face-to-face communications.
- Any member of the household of an applicant that has been denied by management may not resubmit an application for rental no earlier than six (6) month following the date of denial. Any subsequent

resubmission of an application may require verification of information provided in the earlier application that was denied.

- Any applicant that has been denied may request an appeal with a written request within fourteen(14) days of notification of the denial of their application. All appeals will be heard by the immediate supervisor of the Community Manager and will be scheduled within 10 days of the written request for appeal. An appeal made under the terms of the Violence Against Women Act for any unit where it applies due to program requirements supersedes provisions set forth in this paragraph.double check appeal process
- **Any changes in household composition, income or student status during the period between the time of application and scheduled move-in date must be reported to management in writing. The approval of the application may be modified or declined depending on the circumstances reported by the applicant. Any costs associated with reported changes are the responsibility of the applicant.**

## WAITING LIST

### **A. General Policy**

A Waiting List is necessary to provide a fair and equitable means of tracking individuals and households who have applied for an apartment. The Waiting List helps ensure that each applicant is offered an apartment in the order in which their applications were received, thus preventing claims of discrimination or favoritism, and allows for the most efficient renting of available apartments.

When an apartment becomes available for occupancy, an opportunity to complete the eligibility process for the apartment will be offered to the applicant household at the top of the Waiting List for the available apartment type according to the date/time that the application was received, unless one of the following priorities applies. Households meeting at least one of the following criteria will be moved ahead on the waitlist:

#### Accessibility.

All apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments will first be assigned to households containing, at least, one person with such impairments. The impairment must match the current accessible features of the available apartment.

Current residents requiring accessible/adaptable apartments shall be given priority over applicants from the Waiting List requiring the same accessibility features.

Where persons without disabilities are moved into physically accessible apartments, they shall do so only after agreeing to transfer to an apartment with no such design features, at their own expense, when it becomes available. Such households shall sign a Transfer Agreement at the time of initial certification or move-in.

#### Veterans.

Veterans who served on active duty in the United States Armed Forces and were separated under honorable conditions are eligible to receive priority status on the property's waiting list for vacant units.

Applications with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change the Agent's right to apply or modify the tenant selection criteria found elsewhere in the Plan.

#### Section 8 Income Targeting.

HUD requires that at least, forty percent (40%) of new residents in the fiscal year qualify for rental assistance with income at or below thirty percent (30%) of Area Median Income (AMI) or the federal poverty level.

Applications must complete a full and properly signed application according to unit size and type in chronological order. If an extremely low-income applicant is needed to achieve targeting requirements, and the next applicant has income above the extremely low-income limit, that applicant must be placed on the waiting list until the property is ready to house an applicant with income above the extremely low-income limit.

Applicants will be removed from the waiting list for the following reasons:

- The applicant no longer meets the eligibility requirements.
- The applicant fails to respond to written notice for eligibility interview.
- The applicant is offered and rejects (2) units in the property.
- The applicant fails to provide SSNs for all household members.
- Mail sent to the applicant's address is returned or undeliverable.

If, for any reason other than health-related, the applicant household does not accept the offer within five (5) business days of the initial contact by management, the offer will be cancelled and the opportunity to complete

the eligibility process for the available apartment will be offered to the next applicant on the Waiting List.

If, for any reason other than health related, an applicant household does not accept the offer to complete the eligibility process for an available apartment two (2) times while on the community's Waiting List, the applicant household will be removed from the Waiting List after the second instance of rejection of management's offer to complete the eligibility process. Rejected applicants will be notified in writing of the reason(s) for the denial.

#### **B. Changes to the Waiting List**

##### Changes in Applicant Household Information.

If, at any time while an applicant household is on the Waiting List, there are changes to the household information that may impact eligibility, unit size, priority status or management's ability to contact the applicant, applicant households must contact management in writing to report such changes. It is possible that these changes, except applicant contact information, may change the order of the Waiting List as determined by unit availability and the original date and time of the application.

##### Updating the Waiting List.

At least once each year, management will seek to confirm the continued interest of applicant household's on the community's Waiting List by attempting to contact applicant households using the most recent contact information provided by the applicant households. It is the responsibility of the applicant household to maintain current contact information on their application and to respond to management's request to confirm continued interest in the community.

Applicant households who confirm their continued interest in the community will retain their original place on the Waiting List.

Applicant households who fail to respond to contacts by management within ten(10) business days of initial contact will be determined ineligible and have their name(s) removed from the Waiting List. Applicant households who are removed from the Waiting List will be notified in writing using the most recently provided contact information. Such notice will include the reason for the rejection.

Applicant households who are removed from the Waiting List for failure to respond to management's request to confirm continued interest may be reinstated at the bottom of the Waiting List if the applicant household contacts management within thirty (30) calendar days from the date of the notice and the applicant household remains potentially eligible. Such applicant households who fail to contact management within thirty (30) days after the date of the notice must submit a new application, if the community is presently accepting Pre-applications or Rental Applications.

##### Removal from the Waiting List.

An applicant's household will be removed from the Waiting List when:

- the applicant household requests, in writing, to be removed; or
- the applicant household was clearly advised, in writing, of the requirement to inform management of their continued interest in the community by a particular date and time and failed to do so; or
- a reasonable effort is made, in writing and other means of communication, to contact the applicant to determine if there is continued interest in the community, yet has been unsuccessful; or
- the applicant household was notified, in writing, of management's intention to remove the applicant household from the Waiting List; or
- the applicant household no longer qualifies for the housing at the community; or



- the applicant refused or failed to respond to management's second offer to complete the eligibility process for an available apartment for other than health related reasons.

**C. Opening and Closing the Waiting List.**

In order to maintain a balanced applicant pool, this community, may, at its discretion, restrict or suspend application in-take and close the Waiting List in whole or in part as allowed by HUD regulations. No Pre-Applications for Rental Housing nor Rental Applications will be distributed or accepted by management when the Waiting List is closed.

The Waiting List will be closed when management determines that there are sufficient potentially eligible applicant households on the current Waiting List that will satisfy apartment vacancies for a three (3) year period. When the Waiting List is closed, an announcement of the closure will be posted in the community's management office and according to the community's Affirmative Fair Housing Marketing Plan (AFHMP). The community will not maintain a list of individuals who wish to be notified when the Waiting List reopens.

The Waiting List will be opened when management determines that there are insufficient potentially eligible applicant households on the current Waiting List that will satisfy apartment vacancies for a three (3) year period. When the Waiting List is opened, an announcement of the opening will be posted in the community's management office and according to the community's Affirmative Fair Housing Marketing Plan (AFHMP).



## APPLICANT INTERVIEWS

### **A. General Policy**

All applicant households selected from the waitlist for an opportunity to complete the eligibility process will be required to meet with management for an applicant interview.

During the interview, applicant households must:

- Update and provide missing information provided on the original application, including completing and signing a Rental Application if a Pre-Application was the only application previously submitted; and
- Submit all management verification forms, including, but not limited to, forms to confirm income, assets, deductions, and other documentation related to eligibility and level of rental assistance; and
- Submit signed Criminal Background Authorization and Release Forms for each adult household member and live-in aides (if applicable); and
- Submit signed HUD-9887 documents to include the HUD-9887, Notice and Consent for the Release of Information and Form HUD-9887-A, Applicant's/Tenant's Consent to the Release of Information.

Attending the applicant interview and submitting the required forms are necessary for each applicant household to begin the eligibility determination process. It is, however, not an offer of an available apartment or an offer to move into the property. The interview is an opportunity for applicant households to provide information management will use to make a final eligibility determination.

## SCREENING

### **A. General Policy**

All adult applicants, and minors, in the case of the EIV Existing Tenant Search, will be screened according to the criteria set forth in these Resident Selection Guidelines. These guidelines, which are permitted and encouraged by HUD regulations, relate to the individual background and history of each adult applicant. Applicants must provide authorization for management to perform the following screening activities. Any adult applicant who fails to provide authorization or to meet the minimum thresholds established for each criterion may have his or her eligibility denied.

### **B. Enterprise Income Verification (EIV) Existing Tenant Search.**

The EIV Existing Tenant Search report identifies applicants for assisted housing that may be receiving rental assistance at the time of application processing at another location. The EIV Existing Tenant Search will be used by management during the processing of a Rental Application for admission to determine if the applicant or any applicant household member, including minors, is currently being assisted at another HUD community or Public and Indian Housing (PIH) location. Use of the EIV Existing Tenant Search report gives management the ability to coordinate move-out and move-in dates with the PHA or other owner/agent of HUD communities.

If a member of the applicant household is identified as residing at another HUD community or otherwise currently receiving rental assistance, those household members must explain the circumstances relative to receiving assistance at another HUD community or from another housing agency. This does not preclude an applicant household member from being eligible.

Applicant household members identified as receiving rental assistance at another HUD community or through a housing agency must agree to relinquish or give up the rental assistance provided at another HUD community prior to being determined eligible to move into this community. This community will contact the respective property or public housing agency to confirm applicants' participation status, including confirming proposed date of move-out, prior to offering an available apartment to the applicant. Applicant household members who are unable to establish this community as their primary residence will be determined ineligible and denied.

If the household member who is identified by the EIV Existing Tenant Search report as receiving rental assistance in another HUD community or housing agency is a minor child, the minor child will have to be removed from the existing housing program prior to being added as a household member at this community. Removal of a minor child from another housing program is the responsibility of the household. Documentation of such removal will be required prior to admission at this community.

### **C. Landlord History.**

Volunteers of America requires that each adult household member provides three (3) consecutive years of rental and/or residential history. (This requirement is in addition to HUD's requirement that each household member provide a listing of the states where all household members have resided and is unrelated to the criminal background requirements.)

Upon verification, the following are reasons an application will be denied for poor landlord history:

- Poor past performance of meeting financial obligations, particularly rent and utilities, as evidenced by any outstanding balances owed to any previous landlords, housing management agencies, or utility providers that are shown as outstanding within seven (7) years from the date of application; or
- Documented evidence of hoarding, evidenced by two (2) or more lease violations related to housekeeping issued to applicant households within the 12-month period at the immediate past primary

address both dated within twelve (12) months of proposed move-in date; or

- Documented evidence of any one (1) instance of destruction of property or physical or verbal abuse or threats by any member or guests of any member of the applicant household to other residents, management or management staff, or agents of management or maintenance; or
- A record or order of eviction from rental housing dated within three (3) years from the proposed move-in date at this community; or
- Documented evidence that any applicant household member was evicted from federally-assisted housing for drug-related criminal activity in the last three (3) years (beginning from the date of eviction).

**D. Prior Landlord Reference:**

- All adults must have **two (2) years** of rental history that is verifiable by Management unless they are currently residing in assisted living facility or similar residence.
- An applicant may be disqualified based on a poor reference from a prior landlord. A poor reference may include, but is not limited to:
  - being evicted or asked to leave for non-payment of rent or violation of rental policy, or
  - a statement from the prior landlord that they would not re-rent to the applicant because of undesirable characteristics such as loud music, fighting or not obeying apartment rules and regulations, or
  - having more than three (3) late payments in a twelve (12) month period, or
  - having more than one (1) non-sufficient funds check, or
  - having any outstanding judgments from another Landlord.
- Applicants must provide verifiable evidence that any judgment indicated on either a Landlord Reference or their credit history has been paid in full.

**E. Credit History.**

An adult applicant's credit history will be evaluated to determine if there are outstanding payments for rent and utilities as evidenced by any balances owed to any previous landlords, housing management agencies, or utility providers that are shown as outstanding within seven (7) years from the date of application. This requirement does not include any missed or outstanding mortgage payments or amounts owed to municipalities or other federal or state agencies for unpaid taxes.

- All adult applicants must be screened through a 3<sup>rd</sup> party credit agency and be approved based on the criteria established. denials will be reviewed independently
- An adult applicant's credit history will be evaluated to determine if there are outstanding payments for rent and utilities as evidenced by any balances owed to any previous landlords, housing management agencies, or utility providers that are shown as outstanding within seven (7) years from the date of application.
- Applicants with evictions appearing on a civil court records search may result in denial of application.
- Applicants with a bankruptcy that has not been discharged will result in denial of application.

**F. Illegal Drugs.**

An applicant household in which any member is currently engaged in illegal use of drugs or where reasonable cause exists to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety and right to peaceful enjoyment of the property by other residents will be denied.

#### **G. Alcohol Abuse.**

Any applicant household in which there is reasonable cause to believe that a member's behavior, from abuse or pattern of abuse of alcohol may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents will be declined. The screening standards are based on the behavior of the member.

#### **H. Criminal History.**

It is the policy of Volunteers of America to screen adult applicants for criminal history at the time of initial certification or proposed move-in and to reject adult applicants if it is determined that current or past criminal activity of an adult applicant may indicate a present threat to the health, safety, or right to peaceful enjoyment by other residents, property management personnel or persons residing in the immediate vicinity of the property.

Volunteers of America will not consider unproven allegations, hearsay, or arrests that did not result in conviction as evidence of criminal activity. Further, if, at the time of application or proposed move-in, a criminal background screen reveals that an applicant or proposed household member has pending criminal charges that, if convicted, would result in a denial under this Criminal History policy, management will place the application on hold until the relevant pending criminal charges are resolved. An application that is designated "on hold" under this policy would retain its original place on the Waiting List until a decision is made regarding the applicant's or household's eligibility; however, management will not hold a vacant unit and will process the next household on the waiting list.

If at initial certification or move-in, Volunteers of America proposes to deny admission to a household based on past criminal activity of a member of the household, the rental application for the entire household will be rejected and the entire household will be denied admission. This does not prevent an applicant household from reapplying with or without the household member whose criminal background resulted in the denial.

Criminal history for all adult household members will be evaluated based on the proposed date of initial certification or move-in. For example, an applicant whose proposed move-in date is 7/15/2016 will have a criminal background check performed using the criteria below for the specified period before 7/15/2016. The following criminal history criteria will be used to evaluate the suitability of applicants and will be grounds for rejection of the application and denial of assistance:

Eviction for Drug Related Criminal Activity: Applicants must not have been evicted from any other federally-assisted housing, including project-based or tenant-based subsidy, public housing, or LIHTC developments, for drug-related criminal activity within three (3) years;

Sex Offenders: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for any degree of sexual offenses within the applicant's lifetime;

Sex Offender Registration: Applicants must not be currently court-mandated to registration as a sex offender under any state's or federal court order;

Domestic Violence: Applicants who have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for domestic violence, dating violence, sexual assault or stalking, unless otherwise protected pursuant to the Violence Against Women's Act and Reauthorization Act, within the applicant's lifetime;

Violent Crimes: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of criminal homicide, manslaughter, armed robbery, assault, battery, rape, or sodomy within twenty (20) years;

Personal Injury: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of wrongful death, kidnapping and other intentional torts, such as animal attacks or cyber bullying within five (5) years;

Property Crimes: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of larceny, robbery, burglary, arson, embezzlement, or receipt of stolen goods within three (3) years;

Weapons Crimes: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of possession of a weapon by a felony offender, possession of an illegal weapon, weapons trafficking, sale, or distribution, discharge of a weapon in the commission of a crime, assault with a deadly weapon, or possession of a weapon in the commission of a crime within five (5) years;

Controlled and Illegal Substances: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for the sale, distribution, or manufacture of any controlled or illegal substance within five (5) years;

Crimes Against Children: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for any crime against persons under the age of 18 at the time of the crime for child abuse, child pornography, sexting, or statutory rape within twenty (20) years;

Non-violent Crimes: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for disorderly conduct, disturbing the peace, harassment, hate crimes, indecent exposure, prostitution, or vandalism within two (2) years; and

Lesser Included Crimes: Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for crimes included under 3.e-k for a lesser similar offense than assault, battery, forgery, false pretenses, or unlawful possession of a weapon with a punishment of incarceration of sixty (60) days or less within two (2) years.

Applicants who would have his or her application rejected per the criteria included in this plan who choose to exercise his or her rights under the Violence Against Women Act and its Reauthorization will be allowed to present evidence of his or her status as a victim of domestic violence, dating violence, sexual assault, or stalking. Evidence will include, but is not limited to, form HUD-5382 Violence Against Women Act certification, certified police reports, certified court order, or other certified or notarized statement from an unaffiliated person or agency with knowledge of the abuse, i.e. an emergency shelter or its employees. An unaffiliated person is defined as an ostensibly objective person not related to the individual, either by blood or marriage, including a parent, sibling, child, friend or acquaintance. Applicants who choose to exercise this right must follow the appeal procedures outlined in the following section.

#### Additional Criminal Background Information

All adults must consent to an investigative criminal background check, including up to of all 50 states, for the duration of their application and subsequent residency and pass the criminal background check criteria established by Management.

Any applicant registered with a state sex offender registry or that is subject to a lifetime registration requirement under any state sex offender registration program will result in denial of application.

Applicants may either be denied admission to or terminated from their lease agreement if any of their household members are or have been engaged in criminal activity that could reasonably be expected to indicate a threat to the health, safety or welfare of others, including other residents and/or Management staff.

Any applicant that may be denied based on recommendations of the screening provider will be notified of the recommendation and the specific information regarding the criminal background history that the recommendation is based upon. The applicant may request in writing an individualized assessment of their screening within fourteen(14) days of notification of the screening recommendation. All assessments will be completed by the immediate supervisor of the Community Manager and will be completed within 10 days of the latter of the written request for individualized assessment and the date any supporting documentation is provided to management.

- The individualized assessment shall consider the following factors:
  - the seriousness of the criminal offense;
  - the relationship between the criminal offense and the safety and security of residents, staff or property;
  - the length of time since the offense, with particular weight being given to significant periods of good behavior;
  - the age of the household member at the time of the offense;
  - the number and nature of any other criminal convictions;
  - evidence of rehabilitation, such as employment, participation in a job training program, education, participation in a drug or alcohol treatment program or recommendations from a parole or probation officer, employer, teacher, social worker or community leader; and
  - tenancy supports or other risk mitigation services the applicant will be receiving or have access to during tenancy.

If a person has an arrest with pending charges, management shall consider this as part of an individualized assessment

## REJECTION OF APPLICATION

### **A. General Policy.**

Rejected applicant households will receive prompt written notice of the denial of their application including the reason(s) for the denial. Notices of denial will be mailed to the most recently provided address or other avenue of communication, if requested.

### **B. Appeals.**

Rejected applicants shall have the opportunity to appeal adverse decisions by providing management with relevant mitigating information beyond that contained in an individual's documentation. Relevant mitigating information might include: the facts or circumstances surrounding criminal conduct; instances of identity theft or misrepresentation; or other mitigating circumstances that demonstrate management may not have accessed all or the most recently available information.

This appeal of rejection must be in writing and must be received by management within fourteen (14) calendar days of the date of the rejection letter. If an appeal of the rejection is not received within the specified timeframe due to a disability, management will provide a reasonable accommodation, if necessary. Appeals not received by management during regular business hours within fourteen (14) calendar days will be denied by default.

Rejected applicant households who submit appeals within fourteen (14) calendar days must be present for a scheduled meeting with management to review the findings of the appeal. Management will make a decision regarding appeals within five (5) business days of the meeting and will communicate the final decision to rejected applicants in writing.



## THE MOVE-IN PROCESS

### **A. General Policy.**

Applicant households who successfully meet the community related eligibility requirements and application processing will receive an offer to occupy an apartment in accordance with the Occupancy Standards. A meeting to brief new residents on the program participation requirements and expectations of tenancy is required and will be requested by management at which time the following documents will be completed and provided to the applicant household:

- form-HUD-50059 Tenant Certification that details household information, including members, total annual income, total deductions, tenant rent, and level of rental assistance; and,
- Lease Agreement and Attachments, including the Violence Against Women's Act Lease Addendum, Transfer Agreement (if applicable), and Live-in Aide Attachment (if applicable); and
- Community Policies (House Rules); and
- Pet Rules; and
- Move-in Inspection Report (See Paragraph 9-B); and
- One Year Notice of Upcoming Recertification; and
- Notice of Occupancy Rights under the Violence Against Women Act.

The form-HUD-50059 Tenant Certification, Lease Agreement and Addenda and Attachments, Community Policies (House Rules), and Pet Rules must be signed by all adult members of the household. The Move-in Inspection Report must be signed by, at least, one adult member of the household.

The Head of Household, determined during the application process, will be issued one set of apartment keys. Households will be considered as taking possession of an apartment and financially obligated for the apartment after signing and submitting the Lease Agreement and other documents whether the household physically occupies the apartment on the date documents are signed and keys are issued or at a later date.

If an applicant household does not complete the move-in process and take possession of the apartment within five (5) calendar days of management's notification of approval, the approved household may have its application denied and the vacant apartment may be offered to the next available approved applicant household on the Waiting List.

## RECERTIFICATIONS

### **A. General Policy.**

Program regulations require management to update resident household's composition, income, and the eligibility of full-time and part-time student on an annual basis or as changes occur. Resident participation in annual recertification and adherence to interim recertification reporting requirements is necessary to continue receiving housing rental assistance at this community. All adult household members must provide information, documentation, verification, and required signatures for annual recertifications and interim recertifications, when processed.

### **B. Annual Recertifications.**

Within one year of household's move-in date and each year thereafter, all households must submit information to determine if they are still eligible for rental assistance and the program-based calculation of the household Tenant Rent. In addition to the One Year Notice delivered at move-in and at each annual recertification thereafter, management will deliver reminder notices of residents' requirement to complete the household annual recertification beginning 120 days prior to the due date of the annual certification. Households who fail to participate in and complete the annual recertification process for other than health-related reasons or management approved extenuating circumstances, may have their rental assistance terminated.

### **C. Interim Recertifications.**

Volunteers of America requires that households report to management within 14 days if any of the following changes occur:

- changes in household composition, including if someone moves out or proposes to move a new member into the household
- All increases or decreases in adjusted annual income

NOTE: Not all changes in adjusted annual income will result in an interim; Volunteers of America will complete an Interim Certification based on the guidelines below

- All decreases in adjusted annual income (0% threshold)
- Decrease in family size that also results in a decrease in adjusted annual income (0% threshold)
- Increases in unearned income of 10% or more of adjusted annual income

Volunteers of America will not conduct an interim for increases in earned income between annual recertifications.

Volunteers of America will not conduct an Interim recertification for increases in income reported within 90 days of a family's regularly scheduled Annual Recertification.

Timely reporting related to an increase in rent: When a household reports a change in family income or composition that will result in an increase in tenant rent, the household must be provided a minimum of 30 calendar days' notice of the rent increase. The rent increase will be effective on the first of the month following the end of the 30-day notice.

Timely reporting related to a decrease in rent: For families that report changes in family income or composition within 14 calendar days from the effective date of the change that results in a decrease in tenant rent, the decrease will be effective the first day of the month after the date of the actual change leading to the interim reexamination of family income.

Untimely reporting related to an increase in rent: Households that do not report changes in household income or composition within 14 calendar days from the effective date of the change that will result in an increase to tenant rent will have the rent increase implemented retroactively to the first of the month following the date of the change leading to the interim reexamination. The household will owe a one-time payment equal to the difference in the rent paid and the new increased rent for each monthly rental period from the time of the change in circumstances through the date of the interim reexamination.

Untimely reporting related to a decrease in rent: When a family does not report a change in a timely manner that will result in a decrease in tenant rent, Management will implement the decrease no later than the first of the month following completion of the reexamination and will not apply the changes retroactively. However, Management, at its sole discretion, may make a determination that the late report was due to circumstances outside of the household's control and that the decrease will be implemented retroactively. Situations that may warrant a retroactive rent decrease might include late reporting due to (but not limited to):

- Medical emergency,
- Natural disaster,
- Disruptions to community operations.

When the determination is made that the late report was outside of the household's control, then a retroactive decrease may be applied beginning on the later of the first of the month following the date of the actual decrease in income or the effective date of the most recent admission, interim, or annual income examination. A rent adjustment cannot be retroactive to a date prior to the last income examination.

In case of any rent adjustment, the household will be provided with clear, written communication after the interim reexamination that shows:

- Any one-time charge or credit due to a retroactive adjustment;
- The new monthly rent due;
- The date that rent is due; and
- The date of the household's next annual income reexamination.

When reporting additions to the family composition, the proposed household member, including live-in aides, must disclose and provide verification of their Social Security Number. New household members (except live-in aides) must provide information regarding all sources of income and complete any forms normally require as part of an initial certification. The head of household may execute these documents for minor children.

#### **D. Non Interim Certifications:**

Families may experience changes within the household that do not trigger an interim recertification. These changes will be reported in a non-interim reexamination submission to HUD. Such non-interim recertifications may include:

- Adding or removing a hardship exemption for the child-care expense deduction;
- Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (the phased-in relief will begin at an eligible family's first annual or interim reexamination, whichever is sooner, after January 1, 2024);
- Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;
- Adding or removing a minimum rent hardship
- Adding or removing a non-family member (i.e., live-in aide, foster child, foster adult);
- Adding a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- Removing a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;

- Adding/updating a family or household member's Social Security number; and
- Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

#### **E. De Minimis Errors**

If this community becomes aware of the existence of an income calculation error, we will correct the error retroactive to the effective date of the action the error was made regardless of the dollar amount associated with the error.

We will take corrective action to credit or repay a family if the family was overcharged tenant rent, even if error does not rise to the level associated with a finding during a Management and Occupancy Review. In addition, families will not be required to repay the Community in instances where we miscalculated income resulting in a family being undercharged for rent.

Should there be a credit due to a family as a result of a calculating error, the current resident will be given a rent credit on their ledger. If the resident does not pay rent, they will be given the option to receive a live check for the difference.

#### **F. Hardship Exemptions For Health/Medical Care Expenses & Reasonable Attendant Care and Auxiliary Apparatus Expense (also known as "General Relief")**

A household may request a hardship exemption for health or medical care expenses, reasonable attendant care, or auxiliary apparatus expenses. A household must demonstrate that their applicable expenses increased or they experienced a change in circumstances that resulted in a financial hardship, as defined below, that would not otherwise trigger an interim reexamination. This relief is available regardless of whether the household previously received health and medical deductions or is currently receiving, or previously received, a phased-in hardship exemption under 5.611(c)(1).

- A change in circumstances includes:
  - the need for new, qualifying, health/medical, reasonable attendant care, and auxiliary apparatus expenses, or
  - an increase in the cost of qualifying expenses so that qualifying expenses exceed 5% of the household's annual income.
- The exemption ends when the circumstances that made the household eligible for the exemption no longer apply or after 90 days, whichever comes earlier.
- If the household wishes to request a successive 90-day period for the exemption, they must make that request within seven [7] days of the end of the current eligibility period and must demonstrate to the site why an additional period of exemption is warranted.
- If Management determines that the expense giving rise to the hardship exemption will not end within 90 days, it may grant one or more 90-day extensions in advance.
- Management will not consider more than 2 consecutive requests for this hardship exemption.

**Verification:** Management must obtain third-party verification of the household's inability to pay rent or must document in the file the reason third-party verification was not available. Management must attempt to obtain third-party verification prior to the end of the 90-day period.

- Management must comply with the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act of 1974 when requesting documentation to determine eligibility for a financial hardship exemption for unreimbursed health and medical care expenses.
- Management may not request documentation beyond what is sufficient to determine anticipated health and medical care and/or reasonable attendant care and auxiliary apparatus costs or when a change in

circumstances took place. Before placing bills and documentation in the household file, Management will redact all personally identifiable information.

#### **G. Hardship Exemption to Continue Child Care Expense**

Management may offer general hardship relief for the childcare deduction. A household is considered to have a hardship when all of the following conditions have been met.

- the deduction is necessary because the family is unable to pay their rent, and
- the household's share of total housing costs exceeds 40 percent of their adjusted household income; and
- the deduction is ending due to the family no longer having a member that is working, looking for work, or seeking to further their education.

The childcare expense deduction may be extended for additional 90-day periods if the family demonstrates that they are unable to pay their rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed, looking for work, or furthering his or her education.

Management may extend the hardship exemption for additional 90-day periods based on household circumstances. 2 90-day periods

Management may terminate the hardship exemption if it is determined that the family no longer needs the exemption.

Households must report within seven (7) days if the circumstances that made the family eligible for the hardship exemption are no longer applicable. Management will provide the household with 30 days advance notice of any rent increase, and such rent increase will be effective the first day of the month beginning after the end of that 30-day notice period. If the family does not report the change within seven (7) days, the adjustment will be made retroactive to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

#### **H. Phased In Relief**

All families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income review prior to January 1, 2024, will begin receiving the 24-month phased-in relief at their next annual reexamination or interim reexamination, whichever occurs first after the date on which this community is able to implement HOTMA as identified by HUD. Families who receive phased-in relief will have eligible expenses deducted that exceed 5 percent of annual income for 12 months. Twelve months after the 5 percent phase-in began, families will have eligible expenses deducted that exceed 7.5 percent of annual income for the immediately following 12 months. After the family has completed the 24 months phase-in at the lower thresholds, as described above, the family will remain at the 10 percent threshold.

When an eligible family's phased-in relief begins at an interim reexamination, the community will process another transaction one year later to move the family along to the next phase. The transaction can be either an interim reexamination if triggered, or a non-interim reexamination transaction.

The phased-in relief will be tracked for each resident even if a family's expenses go below the appropriate phase-in percentage, during the first or second 12-month phase-in period.

The phased-in relief will also continue for families who transfer to another unit within our community. The family must receive phased-in relief if they are determined to be eligible as of January 1, 2024.

Families whose assistance is terminated will no longer be eligible for phased-in relief and the threshold will be raised to 10% at the next initial certification. Families moving into the community from another assisted community who are currently in any stage of phased in relief will not be eligible to continue the phase in at this community and will move in at the 10% threshold.

## INSPECTIONS

### **A. General Policy.**

Program regulations require that management perform physical inspections of apartments at this community at move-in, at least, once annually, and at the time an apartment is vacated. Additionally, inspections may be performed at other times upon request by regulatory agencies.

### **B. Move-in Inspection.**

It is required that an adult member of the household be present for the move-in inspection. All deficiencies should be noted on the Move-In Inspection Form at the time of the inspection. New residents will have five (5) calendar days from the date of move-in to report additional physical deficiencies without charge or violation that cannot be directly attributed to the resident.

### **C. Annual Inspection.**

Management must perform, at least, one (1) physical inspection of each apartment within a 12-month period. Management will provide notice of such inspection, at least, twenty-four (24) hours in advance of the inspection. It is not required for an adult member of the household be present for the annual apartment inspection. Residents may, upon request and approval, reschedule apartment physical inspections if the date and/or time requested by management conflicts with the resident's schedule. Residents may not waive physical apartment inspections and must permit management to enter the apartment within a reasonable period of time.

### **D. Move Out Inspection.**

Management must perform a physical inspection of the apartment upon being vacated by a resident. It is not necessary for an adult household member to be present for this inspection; however, management encourages an adult household member or other representative to be present for the move-out inspection as its findings may result in charges incurred by the household.

Other Inspections. This community is subject to other physical inspections that may require a third party to enter to inspect the physical condition of the apartments. In such cases, management will provide, at least, twenty-four (24) hour notice of the scheduled inspection. While it is preferred, it is not necessary for an adult household member to be present for these inspections. If notified of such inspection and there is a scheduling conflict for the resident, management may enter the selected apartments to be inspected by a third party agent without additional notice.

## TRANSFERS

### **A. General Policy.**

Residents who wish to transfer to another apartment must complete and submit to management a Unit Transfer Request. This request must be completed and signed by the Head of Household and all adult household members who wish to transfer.

Unit Transfer Requests made by current residents will be considered before applicant households on the community's Waiting List.

Depending upon the circumstances of the Unit Transfer Request, residents may be obligated to pay all costs associated with the move. However, if a Unit Transfer Request is approved as a Reasonable Accommodation to a household member's verified disability, management must pay the costs of moving the household's possessions, unless doing so would cause an undue financial and/or administrative burden. The costs of moving includes only the transport of a household's belongings from one apartment to another apartment within the community. The costs of moving do not include any costs or fees charged to households by utility or insurance companies or other service providers.

Unit transfers will not take place if the household is not in compliance with the Lease Agreement and other community policies. This includes, but is not limited to, Lease violations, unpaid rent, damage charges, and any other outstanding payments or program-related compliance violations. Households affected by this policy may still have their name(s) listed on the Transfer list; however, will not be permitted to move until the household is in full compliance or has made arrangements with management to be in full compliance with the Lease, community policies, and all program-related regulations.

Emergency transfer requests related to VAWA protections are exempt from the policy.

Management will review and issue a written notice on its decision to grant or deny a Unit Transfer Request within thirty (30) calendar days of receipt.

Residents and management must sign a new Lease Agreement and tenant certification upon moving as a result of a Unit Transfer Request.

### **B. Grounds for Transfer.**

Residents who either request a transfer or are required to transfer will be placed on a Transfer List based on the apartment size requested.

Residents may be required to transfer in any situation which may arise that is due to reasons beyond anyone's control, including, but not limited to, natural disasters, extensive damage, or repairs needed to be completed in or around the apartment that cannot be completed while the apartment is occupied.

Households who wish to split or separate members of the household and occupy separate apartments at this community are not considered transfers and are not covered by the policies in Paragraph 10. Adult household members who wish to split from an existing household are considered new applicants and must complete the application process and must separately meet all eligibility requirements included in these Resident Selection Guidelines.

Unit Transfer Requests will be reviewed and may be granted for, but not limited to, the following reasons:

- changes in household size; or
- changes in family composition; or
- health-related reasons or need for an accessible apartment because of a Reasonable Accommodation



- due to the disability of a household member; or
- if a household member needing accessible features of an apartment move out of the accessible apartment and no remaining family members require the accessible features of the apartment; or
- emergency transfers due to instances of domestic violence and other VAWA crimes.

### **C. Order of Transfer.**

While residents may request unit transfers at any time during tenancy and management may approve such requests within thirty (30) calendar days of submission of a Unit Transfer Request, management makes no guarantee on the timing by which a unit transfer will take place. For program and lawful related reasons, management will initiate unit transfers in the following order:

- Households who have members with a disability who require accessibility features or changes in apartment size as a result of an approved Request for a Reasonable Accommodation;
- then, Emergency transfer requests for household members who are victims of VAWA crimes; then
- Households who, as a result of changes in household composition, require a smaller, then a larger apartment than is currently occupied.

### **D. Emergency Transfers.**

This community is concerned about the safety of its residents, and such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> this community allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the resident's current apartment to another apartment. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The ability of this community to honor such request for residents currently receiving rental assistance, however, may depend upon a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether this community has another apartment that is available and is safe to offer the resident for temporary or more permanent occupancy. The following is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that this community is in compliance with VAWA.

#### **Eligibility for Emergency Transfers.**

A resident who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same apartment. If the resident is a victim of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

- A resident requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
- Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

#### **Documentation Requirements.**

To request an emergency transfer, the resident shall notify the management office and submit a written request for a transfer. This community will provide Reasonable Accommodations to this policy for individuals with disabilities. The resident's written request for an emergency transfer should include either:

- A statement expressing that the resident reasonably believes that there is a threat of imminent harm from further violence if the resident were to remain in the same apartment; or
- A statement that the resident was a sexual assault victim and that the sexual assault occurred on the

premises during the 90-calendar-day period preceding the resident's request for an emergency transfer.

#### Confidentiality.

This community will keep confidential any information that the resident submits in requesting an emergency transfer, and information about the emergency transfer, unless the resident gives management written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance. This includes keeping confidential the new location of the apartment of the resident, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the resident. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about the community's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

#### Timing and Availability.

This community cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Management will, however, act as quickly as possible to move a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another apartment, subject to availability and safety of an apartment. If a resident reasonably believes a proposed transfer would not be safe, the resident may request a transfer to a different apartment.

If an apartment is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the apartment to which the resident has been transferred. Management may be unable to transfer a resident to a particular apartment if the resident has not or cannot establish eligibility for that apartment. If this community has no safe and available apartments for which a resident who needs an emergency is eligible, management will assist the resident in identifying other housing providers who may have safe and available units to which the resident could move. At the resident's request, management will also assist residents in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

#### Safety and Security.

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe. Residents who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Residents who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>. Residents who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

## VIOLENCE AGAINST WOMEN ACT (VAWA) PROGRAM PROTECTIONS

### **A. General Policy.**

On December 16, 2016, HUD issued a final rule regarding implementation of the Violence Against Women Reauthorization Act (VAWA) of 2013. VAWA applies for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation, and which must be applied consistent with all nondiscrimination and fair housing requirements. The 2013 law provides enhanced protections and options for victims of domestic violence, dating violence, sexual assault, and stalking by amending the definition of domestic violence to include violence committed by intimate partners of victims, and by providing that residents cannot be denied assistance because an affiliated individual of theirs is or was a victim of domestic violence, dating violence, sexual assault, or stalking (collectively VAWA crimes).

VAWA protections extend to all qualified applicants and residents, including their household members who are victims of domestic violence, dating violence, sexual assault, and stalking, by prohibiting denial of eligibility based on acts of such violence against them. An application cannot be denied if the applicant is a victim of VAWA crimes and if the applicant household qualifies for admission based on these Resident Selection Guidelines.

If your application is denied, as a victim of VAWA crimes, you have the right to an appeal based on the status as a victim of such crimes. Certification of domestic violence, dating violence, sexual assault, or stalking will be required of victim status which includes the name(s) of the abuser. Victims who wish to exercise this right may self-certify by requesting form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, Stalking or Alternate Documentation, from management or may provide documentation from the victim service providers, medical professionals, or attorneys who have counseled you as a victim can provide third-party verification of your status as a domestic violence victim.

VAWA protects residents, including household members who are victims of domestic violence including dating violence, sexual assault, or stalking, from being evicted or having the rental assistance terminated based solely on acts of such violence against them.

Resident victims cannot be evicted because of incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking which otherwise would be considered as serious or repeated violations of the Lease or other "good cause" under state or municipal law. These incidents are Lease violations and will be documented as such by management. If you receive a Lease violation and/or an eviction notice, as a victim of VAWA crimes, you have the right to an appeal based on the status as a victim of VAWA crimes.

Residents who are victims of VAWA crimes may exercise their rights to peaceful enjoyment by requesting an emergency transfer.

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1 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

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

## TERMINATION

### **A. General Policy.**

It is the goal of the U.S. Department of Housing and Urban Development and the mission of Volunteers of America to provide safe, decent, affordable housing to those who qualify and to provide a great place for our residents to call home. As a rule, it is the policy of Volunteers of America to keep residents in their homes, without disruption, to their residency or to the community's program-related compliance requirements. However, circumstances may arise that require this community to terminate, that is to end or stop, a household's rental assistance or tenancy at this community. No termination of rental assistance or tenancy will be processed without appropriate legal notice to the Head of Household.

Termination of Rental Assistance. Termination of rental assistance will be based on a change in the household's eligibility or a resident's failure to fulfill specific program-related responsibilities. Rental assistance program requirements state that this community must terminate a household's rental assistance when a household or an individual household member:

- Fails to provide required information at the time of interim or annual recertification, including changes to household composition or income; or
- At the time of interim or annual recertification, it is determined that a household has income sufficient to pay the full Contract Rent; or
- Fails to transfer to a different unit size or type within thirty (30) calendar days after being notified that a transfer is required and that an apartment is ready; or
- Has begun receiving rental assistance, but management is unable to establish eligible immigration status, including citizenship, for any household member; or
- Is enrolled as a full or part-time student at an institution of higher learning and no longer meets the eligibility requirements.

Termination of Rental Assistance under VAWA. Commission of crimes covered under VAWA during tenancy may result in termination of rental assistance or tenancy or both. If management of this community seeks to terminate rental assistance to a VAWA perpetrator or alleged perpetrator, management will follow program regulations and policies, including Lease provisions, which allow for such termination, as well as applicable state and local laws.

Prohibited basis for denial or termination of rental assistance under VAWA. Applicants or residents assisted at this community under the Section 8 program may not be denied participation in nor have his or her rental assistance terminated on the basis, or as a direct result, of the fact that the applicant or resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or resident otherwise qualifies for admission, assistance, participation, or occupancy.

Notice of Occupancy Rights under VAWA. A Notice of Occupancy Rights will be provided to a resident with any notification of termination of assistance.

Termination of Tenancy by Owner. This community's management will proceed to terminate tenancy, eviction, for the following reasons:

#### *Material Noncompliance with the Lease, including*

- Failure to sign and submit consent forms allowing verification of information regarding the household's income and program eligibility; or
- Extended absences or abandonment of the apartment; or
- Fraud, which is when a resident knowingly provides inaccurate or incomplete information; or

- Nonpayment of rent due under the Lease, including any repayment of rents due if, due to resident error, the resident was charged a lesser rent than required by HUD; or
- Repeated minor violations of the Lease; or
- Failure to disclose and provide verification of Social Security Numbers.

Termination of Tenancy under VAWA. Any eviction or termination of rental assistance should be utilized only when there are no other actions that could be taken to reduce or eliminate a VAWA incident, including, but not limited to, transferring a victim to a different apartment, barring a perpetrator from the community, contacting law enforcement to increase police presence to keep the community safe, or seeking other legal remedies to prevent a perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to specific concerns about individual residents.

Prohibited basis for denial or termination of assistance or eviction under VAWA.

A resident assisted under Section 8 rental assistance at this community may not be terminated from participating in, or evicted from the community on the basis, or as a direct result, of the fact that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or resident otherwise qualifies for occupancy. Further, a resident, who is the victim of said crimes, receiving rental assistance at this community may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking if the criminal activity is engaged in by a member of the household or any guest or other person under the control of the resident, and the resident or an affiliated individual of the resident is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

Prohibition of termination when a VAWA victim declines transfer. There is no HUD program requirement where a victim of domestic violence, dating violence, sexual assault or stalking may have his or her lease terminated due to the refusal of the victim to transfer to a different apartment at the owner's request.

Bifurcation of the Lease. A Lease bifurcation, that is, a Lease division, under VAWA will be carried out in accordance with any requirements or procedures as may be prescribed by federal, state, or local law for termination of assistance and tenancy.

Notice of Occupancy Rights. A Notice of Occupancy Rights will be provided to a resident with any notification of eviction, notice of termination of assistance and to any applicant getting a Notice of Ineligibility.

Termination by the Resident. Residents may, at his or her own discretion, terminate the Lease at the end of the initial one-year term or any successive term by providing management with a written 30-day Notice to Vacate, as required by the Lease.

## GRIEVANCE PROCEDURES

### **A. General Policy.**

Any resident or applicant who feels aggrieved by any Volunteers of America act or failure to act involving a resident's Lease or any statute, regulation, policy, or procedure that affects the resident's status, rights, duties, or welfare, or any resident or potential resident who has a complaint regarding a Volunteers of America employee, vendor, or agents of Volunteers of America, shall be afforded an opportunity to file a formal complaint with the supervising manager and/or property owner.

Examples of situations in which disputes may arise include, but are not limited to, the examination of resident income to determine rent; the inspection of the units to determine their condition; the collection of rent; the eviction of a resident; the imposition and collection of charges for maintenance of or repairs for damages to dwelling units or other property areas; the failure of Volunteers of America to assure safe, sanitary, and decent housing in compliance with local health, building, and housing codes and procedures; and the failure of the resident to abide by the terms and conditions of the Lease.

### **B. Applicability.**

The Grievance Procedures shall not apply to lease terminations for:

- Non-payment of rent except to dispute the amount of the rent charged; or
- Any activity that may threaten the health or safety of the premises, residents, neighbors, employees of Volunteers of America or others; or
- Any drug-related criminal activity on or off the premises; or
- Any violent criminal activity on or off the premises; or
- Any felony conviction; or
- Disputes between residents that do not involve Volunteers of America staff, policies, or procedures; or
- Class grievances, i.e. the Grievance Procedures are not intended as a forum for initiating or negotiating policy changes with Volunteers of America); or
- Residents who are denied additions to their households because of Occupancy Standards; or
- Residents who are denied admission because Volunteers of America is not currently accepting applications for new residents; or
- A resident who requests a reasonable accommodation or VAWA protection after a Formal Hearing for a Lease termination for the purpose of contesting the results of the Formal Hearing, except when Volunteers of America did not properly inform the resident of his or her right to request the Reasonable Accommodation or VAWA protection; or
- Any claim for monetary damages including but not limited to property or personal injury damages; or
- Any grievance that is not filed and maintained in accordance with these Grievance Procedures; or
- Any grievance that a resident has previously submitted to a court of law for resolution; or
- Any Grievance that a resident submits to a court of law before the rendering of a decision by a Hearing Officer.

### **C. Procedure.**

Applicants and residents and/or the representatives of applicants and residents who wish to file a grievance should contact the management office orally, in writing, or any other effective method of communication to inquire about the appropriate person to contact to file a grievance. Grievances regarding the employees of the property are generally heard by the management agent's designate who has supervisory responsibilities. Grievances regarding the management agent are generally heard by the owner, Volunteers of America National Office. Names and methods of contact will be shared by the management office at this community.

## VOLUNTEERS OF AMERICA PRIVACY POLICY

### A. General Policy.

It is the policy of Volunteers of America and this community to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, the Health Insurance Portability & Accountability Act of 1996 (HIPAA), Enterprise Income Verification (EIV) System and Violence Against Women Act (VAWA) to ensure the protection of such individuals' records maintained by this community. We are dedicated to protecting the privacy of applicant and resident personal information that is used to determine eligibility for rental assistance based on regulations, including Social Security and other governmental identification numbers and any other required information. We have adopted a Privacy Policy for Personal Information of Applicants and Residents as well as an EIV Privacy and Security Policy to help ensure that applicants' and residents' personal information is kept secure.

Neither this community nor its agents shall disclose any personal information contained in its records to any person or agency other than HUD or other state agency or authorized third party unless the individual about whom information is requested gives written consent to such disclosure or information is being subpoenaed by a court of law.

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

Volunteers of America and this community does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally-assisted programs and activities. The person named below has been designated to coordinate compliance with the nondiscrimination requirements against persons with disabilities.

Michele Watkins  
Volunteers of America Michigan  
21700 Northwestern Highway, Suite 700  
Southfield, MI 48075  
248.945.6037 Tel  
711 TTY  
1.248.945.0202 Fax  
[mwatkins@voami.org](mailto:mwatkins@voami.org) Email

PENALTIES FOR MISUSING THIS CONSENT: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD and any owner (or any employee of HUD or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on verification forms is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages and seek other relief, as may be appropriate, against the officer or employee of HUD or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the Social Security Number are contained in the Social Security Act at 42 USC 208 a(6)(7) and (8). Violations of these provisions are cited as violations of 42 USC 408 a(6)(7) and (8).