



# Vicente Geigel Polanco Apartment Homes



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## SELECTION AND ADMISSION PROCESS

### INTRODUCTION

- 1.0 *Vicente Geigel Polanco Apartments* is a Multifamily project supported by HUD, Section 8. Under this Program, families contribute the payment of rent according to their income and family group and the difference is paid by HUD through a rental subsidy. The purpose of this regulation is to establish eligibility, selection and admission criteria for applicants who wish to reside in low-income family housing projects.

### ELIGIBILITY REQUIREMENTS

- 2.0 An applicant may receive assistance under the Section 8 Program if they meet the following eligibility requirements:

- a. To receive assistance, the applicant must be a U.S. citizen or non-citizen legally admitted with permanent residence under U.S. immigration laws and "24 CFR Part 5, Sub-Part E" (Section 214 of the Housing and Community Development Act of 1980). Immigration status is verified by the Immigration and Naturalization Service Verification System ("SAVE"). You must provide a green card where you present your "Alien Registration Number", evidence of the status of the application for residency or if you are already a U.S. citizen your Social Security. Non-citizens who do not claim to have eligible immigration status may choose to make a declaration acknowledging that they are not eligible for assistance in addition to the Declaration of *Citizenship* form.
- b. The applicant must undertake to use the apartment for exclusive use as his residence.
- c. The family's annual income cannot exceed the maximum limits set by the Federal Department of Housing (HUD). (See Section 7.0)
- d. The applicant must agree to pay the rent required under the regulations of Section 8 of the Federal Housing and Urban Development Act.
- e. All information submitted shall be subject to verification.
- f. At the time of the shift on the waiting list, the applicant must have provided and/or documented the social security number of all family members and evidence of the numbers submitted through the social security card. This requirement includes the "Live-In Aid" (if applicable) of the family composition. If a family member is not assigned a social security number, they will not be eligible for assistance, for which reason as part of the eligibility they may be required to provide one or more of the following documents as an alternative to verify their Social Security information:
  - Original document issued by the state or federal government containing the name, social security number, and any additional information that helps identify you.
  - Driver's License with Social Security Number
  - Identification card issued by a medical insurance, employer and / or labor union.
  - Employment income stubs
  - Bank statements
  - Form 1099
  - Letter from the Social Security Administration granting agency benefits.
  - Retirement Benefit Letter
  - Life Insurance Policy
  - Court record

If any member of the family composition intentionally fails to submit Evidence of Social Security or does not agree to submit evidence, the application will be rejected. 24 CFR 5,216

- g. Any adult of the applicant's household composition, over the age of 18, must sign and date Form HUD 9887 and HUD 9887 A (Authorization to Verify Information) prior to receiving assistance and later in the initial certification process and at each annual recertification. Failure to sign these forms could result in denial of attendance or termination of attendance if you were a resident. If the applicant is rejected for not signing these documents, the owner must follow the notification processes set forth in Manual 4350.3 (Rev2, Chg 4). This notification shall include the reason for the rejection and shall give the applicant the opportunity to appeal the decision. If the resident is refused assistance for this reason, the owner must follow the instructions set forth in the Lease Agreement.

### 3.0 SOCIAL SECURITY NUMBER REQUIREMENTS

- a. Applicants and tenants must disclose and provide full and accurate SSN verification assigned to each household member. *Exceptions to this rule:*
  - i. Individuals who do not dispute eligible immigration status in blended families.
  - ii. Persons 62 years of age or older as of January 31, 2010, whose initial eligibility determination began before January 31, 2010. For these individuals, disclosure and verification, documentation must be obtained verifying the applicant's exemption status. Management will obtain verification from the previous PIH or from the Multifamily Agency that administers the housing assistance program or on behalf of the applicant.
  - iii. Persons under the age of 6 in *the applicant households* who were added to the applicant household within 6 months of the date of admission. The family must disclose and provide SSN verification within 90 days of the date of admission. An additional 90-day extension should be granted if delays are due to circumstances beyond the family's control.
- b. Applicants who have not disclosed and/or provided SSN verification for all non-exempt household members have 90 days from the date they are first offered an available unit to disclose and/or verify SSNs. During this 90-day period, the applicant may, at his or her discretion, retain his or her place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, it must be determined that the applicant is ineligible and is removed from the waiting list.
- c. When adding a new household member who is under the age of six to an existing household, the tenant must disclose and provide verification of the person's SSN to be added within 90 days of the new member's addition. An additional 90-day extension should be granted if delays are due to circumstances beyond the family's control. Examples include, but are not limited to, natural disasters, fires, death in the family, etc.

### 4.0 STUDENT ELIGIBILITY REQUIREMENTS:

- a. A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student:
  1. Is living with his or her parents who are receiving Section 8 assistance
  2. Is individually eligible to receive Section 8 assistance or has parents who are income eligible to receive Section 8 assistance.
  3. Is a veteran of the United States military;
  4. Is married;
  5. Has a dependent other than a spouse (e.g. dependent child);
  6. Is at least 24 years of age;
  7. Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
  8. Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
    - a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
    - b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
    - c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
      - i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
      - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
      - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
      - iv. A financial aid administrator; or
  9. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
- If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria.
- If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

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

b. For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While owners may use additional criteria for determining the student's independence from parents, owners must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student. (See the Glossary for definition of Independent Student);
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations. Review a student's prior year income tax returns to verify the student is independent or verifying the student meets the Department of Education's definition of independent student.
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
- Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance. (See Glossary for expanded definition of Student Financial Assistance.)
- If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6 A.

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

## **5.0 PROCEDURES FOR ACCEPTING APPLICATIONS**

- The person who wishes to be admitted to a project receiving assistance or wishes to be placed on the project waiting list has to fill out an application. In addition to providing them with the opportunity to complete applications on the project, the owner can mail and receive applications. The landlord must make reasonable accommodations for people with disabilities by offering other methods of processing housing applications.
- No discrimination shall be made on the basis of race, color, age, religion, sex, origin or nationality, family or marital status, physical or mental disability, gender identity or sexual orientation.
- Once the applicant's eligibility has been determined, a copy of the documents required to process the application will be provided and 15 calendar days will be granted to submit them.
- For an application to be included in the waiting list it must have met all the requirements and documents required. It will ultimately be evaluated and approved by the Section 8 supervisor of Sandalwood Management, Inc.
- Documents related to the application will be valid within 120 days (4 four months) of the filing date. If the verification is in more than 120 days, the owner must obtain a new document. The time limit does not apply to verifications of age, disability status, family members or citizenship status, this also does not apply to social security verification.
- From time to time (approximately six (6) months) the person in charge of the applications will follow up on the pending cases to update the expired documents and keep the list of qualified candidates up to date.
- No applicant shall be considered to provide or omit information necessary to determine eligibility; if it is subsequently discovered that you have offered false information, it will be grounds for the cancellation of the Lease Agreement.

## **6.0 REQUIRED DOCUMENTS**

- The applicant must provide all the documents required to process his application that include, without limitation, the following;
- Evidence of income of all family members over the age of 18 (income verification, proof of income withholding, evidence of Social Security benefits, Veterans, Department of the Family, Unemployment, other benefits, etc.).
- Evidence of current status, such as marriage certificate, "affidavit" of living together by mutual consent, divorce decree and other document evidencing your status.

- d. Photostatic copy certified as faithful and accurate of the birth certificate of all family members.
- e. Evidence of assets, such as: bank savings deposit certificates, last statement of bank accounts, if any, etc.
- f. Evidence of medical expenses.
- g. Letter from the current landlord with the latest receipts of the monthly rent payment that shows that your rent is up to date (the address and telephone number must appear in them).
- h. Evidence of actions that force you to vacate your current home (sale of property, eviction, expropriation by government action, etc.).
- i. Required documentation on Social Security information for all family members or evidence of ineligible citizenship.
- j. The applicant must complete the *Ethnic Origin and Race Certification (form HUD-27061-H)*. This form is optional and cannot be filled out by the owner. If the applicant decides not to fill it out, it must be written, "the applicant/tenant refuse to complete the form" and placed on the record.
- k. The applicant must fill out the document called *Supplemental Information to Application for Assistance (form HUD-92006)* and known as Attachment A. This form is optional and cannot be filled out by the owner. If the applicant decides not to fill it out, he must mark on the typecast provided for it and then sign the form. This form can be updated at any time.

**Other documents that may be required:**

- Credit references.
- Personal references
- Person in charge in case of death, illness or total disability.
- Criminal record certificate issued by the Puerto Rico Police of all family members 18 years of age or older.

**7.0 PROCEDURE FOR APPLYING INCOME PREFERENCES**

It is required to have at least 40% of the assisted units available each year (of the project's fiscal year) to lease to families whose income does not exceed 30% of the median income (extremely low income) at the time of admission. In addition, the following income limits remain eligible.

- a. No more than 15% of the units available for occupancy on or after October 1, 1981, will be rented to families with "very low income".
- b. The income limits by which applicants are evaluated vary according to the number of people who are part of the family composition.

	<b>FAMILY COMPOSITION (PER PERSON)- Effective 4/1/2021</b>							
<b>Entry Limits</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
Very low income	\$9,100	\$10,400	\$11,700	\$12,950	\$14,000	\$15,050	\$16,100	\$17,100
Extremely Low income	\$5,450	\$ 6,200	\$ 7,000	\$ 7,750	\$ 8,400	\$ 9,000	\$ 9,650	\$10,250

- c. Applicant who exceeds the income limits set by HUD for the date they apply for their application will be rejected.

In order to comply with this requirement, the following shall be established:

- a. Coordination with different government or private agencies that can provide us with possible candidates who meet the aforementioned requirements ("extremely low income").
- b. The project will be promoted through communication media such as radio and press, through the Internet and "brochures" and loose sheets will be distributed.
- c. When evaluating the applicant who will become a resident, the applicant on the waiting list will alternate by choosing a case with extremely low income and one with very low income according to the order on the waiting list.

## 8.0 LIVE-IN AIDE

- a. Person residing with one or more elderly, nearly elderly persons [50 years but under 61 years] or disabled person and who:
  - It is determined to be essential for the care and well-being of these people;
  - You are not obligated to care for that person;
  - He would not live in the unit except to provide the necessary relief services.
- b. It is required to provide even if your income is not taken into account for the calculation of income:
- c. Your information and documentation about your social security number.
- d. Criminal Record Certificate

## 9.0 PROCESS FOR INVESTIGATING APPLICANTS

The investigation process of drug abuse and other criminal activities will be carried out to the applicant and members over 18 years of age of their family composition and to the "live in aid" (if applicable) using the following internet pages: <http://www.rentgrow.com>; [Departamento de Justicia de Puerto Rico \(pr.gov\)](http://www.departamentodejusticiapuerto Rico.gov) [Registry of Persons Convicted of Sexual Crimes and Abuse of Minors" [Law 266 of 2004].

Live-in aide should not be evaluated for their ability to pay rent. However, because "live in aid" people live on the property, HUD has a considerable interest in making sure these people are not a danger to the community.

## 10.0 CRIMINAL OR DRUG-RELATED ACTIVITIES

The owner will require each member of the family composition [applicant and resident], over the age of 18, to complete the *Criminal Activity Information* form that questions the following:

- a. If the applicant or any member of the family composition has been related to any drug-related criminal activity.
- b. If the applicant or any member of the family composition has been evicted from any project
- c. receiving federal assistance due to drug-related criminal activity in the past three years.
- d. If there is any drug user in the family composition.
- e. If the applicant considers that any member of the family composition abuses or has a pattern of use and abuse of alcohol that threatens health, safety or the right to enjoy tranquility on the premises of the project.
- f. If the applicant considers that any member of the family composition abuses or has a pattern of use and abuse of drugs that threatens health, safety or the right to enjoy tranquility on the premises of the project.
- g. If any member of the family composition is subject to lifelong follow-up under the sex offender program "Registry of Persons Convicted of Sexual Offenses and Child Abuse" [Law 266 of 2004] in Puerto Rico or the "National Registry of Sex Offenders" in any state or territory of the United States.

## 11.0 Residents

The owner can terminate the contract or evict the resident for criminal activities committed or for covering up for the person who commits them. If the undercover person is determined to be involved in criminal activity, without considering the state in which the undercover person was arrested or convicted of this activity and without considering the penalty or proof of the activity.

## 12.0 OTHER CRITERIA FOR INVESTIGATING APPLICANTS

Credit History:

- a. Credit history will be requested from everyone 18 years of age and older.
- b. The owner may reject an applicant for poor credit history, but the lack of credit history is not enough to reject an applicant.
- c. The credit history of the last 5 years will be considered.
- d. As part of the research criteria and to ensure that all applicants are treated fairly. Below is the classification by which they will be evaluated
  - i. Good credit: history with arrears of up to (30) days.
  - ii. Poor credit: history with arrears of up to (60) days.
  - iii. Deficient Credit: history with arrears of (90) days or more and/or with accounts classified as "*collection*", repossessions and / or bankruptcies.

- e. Applicants will be interviewed to investigate whether they have had a valid situation [illness, death, job loss, divorce, identity theft, etc.] for which credit history has been affected. The applicant will be asked to submit evidence that validates their explanation as well as three (3) credit references that can evidence their current credit history.
- f. Credit references submitted will be investigated.

### 13.0 RENTAL HISTORY

- In addition to determining whether the applicant meets their financial obligations as residents and paying their rent on time, the landlord will also verify whether the applicant has the ability to meet the resident requirements.
- An applicant will not be rejected for lack of rent payment history but for poor rent payment history. To be eligible the payment history must be reflected as excellent.

### 14.0 GROUNDS FOR REFUSING ADMISSION OF FAMILIES

Grounds for denying a housing application are as follows:

- a. If you are not eligible for occupancy for a particular unit or for the project.
- b. The failure to submit the required information and documentation on the Social Security information of all members of the family composition.
- c. Does not sign consent to verify information (HUD 9887 and 9887-A)
- d. The characteristics of the family composition are not appropriate for the type of unit available at the time or the size of the family composition is not appropriate for the size of the available unit.
- e. Includes members of the family composition who did not declare themselves to be U.S. citizens or their non-citizenship status.
- f. They do not comply with the investigation process.
- g. Do not sign the *Criminal Activity Information form*
- h. If any member of the family composition has been related to drug-related criminal activity.
- i. When any member of the family composition has been evicted from a project receiving federal assistance due to drug-related criminal activity in the past 3 years. There are 2 exceptions to this requirement: when the family member has successfully completed and passed the supervised drug rehabilitation program or when the circumstances of the eviction no longer exist (example: the family member no longer resides with the family that applied for housing)
- j. If any member of the family composition illegally uses drugs.
- k. The the owner understands that there is reasonable cause to determine that a member of the family composition abuses or has a pattern of use and abuse of alcohol that threatens the health, safety or the right to the enjoyment of tranquility on the property of the project.
- l. The the owner understands that there is reasonable cause to determine that a member of the family composition abuses or has a pattern of use and abuse of drugs that threatens health, safety or the right to enjoy tranquility on the premises of the project
- m. If any member of the family composition is subject to lifelong follow-up under the sex offender program "Registry of Persons Convicted of Sexual Offenses and Child Abuse" [Law 266 of 2004] in Puerto Rico or the "National Registry of Sex Offenders" in any state or territory of the United States.
- n. Adding to the family may be refused if for a reasonable time prior to the decision for admission, a family member is related to drug-related criminal activity, violent criminal activity or other criminal activity that threatens the safety, health, right to quiet enjoyment of the project grounds and facilities related to the project of other residents, project employees, contractors or agents.
- o. Persons who have committed serious or violent crimes under the law will not be admitted unless at least 5 years have elapsed since the date on which the applicant complied with his sentence. For people who committed misdemeanors, the 3-year waiting time to re-consider as an applicant will be considered.
- p. If you do not meet the eligibility requirements.

**15.0 WAITING LIST-** This project does not close the waiting lists.

**16.0 CAUSES FOR REMOVING APPLICANTS FROM THE WAITING LIST**

- a. Reasons for removing applicants from the waiting list:
- b. Applicant no longer meets the program or project eligibility criteria.
- c. Does not submit the required information and documentation on the Social Security information of all family members at the time of admission.
- d. Does not sign consent to verify information (HUD 9887 and 9887-A)
- e. Do not sign the *Document Information on Criminal Activities*.
- f. The characteristics of the family composition are not appropriate for the type of unit available at the time or the size of the family composition is not appropriate for the size of the available unit.
- g. It includes members of the family composition who did not declare themselves to be U.S. citizens or their non-citizenship status.
- h. Applicant does not respond to written communication for an interview or home visit appointment.
- i. Applicant is offered and rejects two (2) units on the property.
- j. Correspondence sent to the applicant is returned as "undeliverable".

**17.0 REASONS FOR CHANGING THE SHIFT OF WAITING LIST APPLICANTS**

It will only be altered in order to comply with the provisions detailed in section 16.0 of this document.

**18.0 APPEAL PROCEDURE WHEN AN APPLICATION IS REJECTED**

If your application has been rejected, you have a period of (14) calendar days to appeal the decision. If no verbal or written communication is received from you, it will be understood that it is not interesting to dispute said decision.

If you are interested in appealing the decision, you should contact the Administration Office to request an appointment for the discussion of the cause or causes for which your application has been rejected and thus begin the complaint procedure established or in the Complaints Procedure. Please refer to this document for details of the procedure.

**19.0 OCCUPANCY STANDARDS-** The Fair Housing Act prohibits discrimination in the sale, rental, financing, or promotion of units based on race, color, religion, national origin, sex, or family status. Below are the occupancy standards set for *Vicente Geigel Polanco Apartment Homes*.

Type of unit	Minimum number of people in unit	Maximum number of people in unit
1 bedroom	1	2
2 bedroom	2	4
3 bedrooms	3	6
4 bedroom	4	8

**20.0 UNIT TRANSFERS**

**REASONS TO MAKE UNIT TRANSFERS**

- a. When the tenant is living in a unit for people with disabilities and does not merit, he will be obliged to move to another unit not designed for a person with an impairment.
- b. If the disabled Tenant requests change to another more accessible localized unit.
- c. If the tenant is not incapacitated, but for health reasons or medical advice he needs a more accessible localized housing.
- d. If the tenant is a victim of domestic violence, intimate partner violence, sexual assault or harassment they can request an emergency transfer to another unit.
- e. At all times the resident will have priority over the applicant.

## 21.0 PROCEDURE FOR FILLING VACANT UNITS

When a vacancy arises, the Administrator will check the list of mandatory and conventional changes of the residents. The vacant unit will be filled first with the next resident on the list of mandatory changes, conventional changes and finally with the applicant in turn on the waiting list.

## 22.0 INSPECTION REQUIREMENTS TO THE "MOVE-IN"

- a. Before executing the contract, the owner has to inspect the unit together with the resident.
- b. After the inspection, the form of inspection has to indicate the conditions of the unit. The condition of the unit has to be decent, safe, clean and in good condition. If it requires cleaning or repair, the owner has to specify in the inspection form the date on which the work will be completed. The date cannot be more than 30 days after the effective date of the contract.
- c. The owner and resident have to sign and date the inspection form. The form of inspection has to include the condition of the unit indicating that it is decent, safe, clean and in good condition. It should include this phrase, "This unit is in decent, safe and sanitary condition".
- d. The resident has (5) days to report any additional deficiencies to the owner that have not been noted in the inspection form.
- e. The form of inspection has to be part of the contract as an annex to the contract.

## 23.0 POLICY TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 AND FAIR HOUSING ACT

Section 504 prohibits discrimination in all programs or activities conducted with federal financial assistance.

The owner undertakes to:

- a. Perform and pay for reasonable structural modifications to common units or areas that residents or applicants who have impairments need unless these modifications change the nature of the project or result in an improper financial charge or improper administrative charge.
- b. Do not segregate based on disability or type of disability unless authorized by an executive order or federal statute.
- c. Provide auxiliary equipment and services necessary for effective communication with people with disabilities.
- d. Develop a transition plan to ensure that structural changes are properly implemented to meet the requirements of the accessibility program.
- e. Make a "self-evaluation" of the owner's program and policies to ensure that there is no discrimination based on disability.
- f. In order to facilitate the understanding of the official documents provided by HUD, written in English, you will be provided with a copy in Spanish. In the case of extensive documents, a summary of the same will be made where the purpose of the same is expressed.

## 24.0 RECERTIFICATIONS

- a. Once the individual or family is admitted to the project, the project administration will examine at least annually the income, family composition, medical expenses, assets, and permissible deductions in HUD Occupation Manual 4350.3 (Rev. 2, Chg 4) to determine the tenant's contribution and assistance (subsidy) payments, if any. It is the responsibility of the tenant to inform the project administration of any changes in family composition, income, etc., that may affect the rent.
- b. Members of the family composition, over 18 years of age, will be required annually to complete the *Information on Criminal Activities* form. They must also sign and date the *Tenant's Consent to the Release Information* form (HUD 9887 and 9887A).
- c. The Head of Household is responsible for notifying when a member of his family composition reaches the age of 18. This notification must be made no later than ten (10) calendar days after the date of birth of such member.
- d. The family member will have five (5) calendar days to move on to sign the consenting documents to obtain their personal information such as but not limited to *tenant's Consent to the Release Information* (HUD 9887 and 9887A) and the *Authorization* form.



- e. Failure to comply with this notice in the required time and/or failure to complete the above documents will be sufficient cause for cancellation of the Assistance or the Lease Agreement for breach.

## **25.0 MINIMUM RENT**

The Federal Government requires residents in the Section 8 program to pay a minimum rent ("Total Tenant Payment") of \$25.00. The minimum income is used when 30% of adjusted income and 10% of gross income and welfare rent, where applicable, are all less than \$25.00. There is the benefit of an exception to the minimum income for those cases in which a financial difficulty is determined.

The following conditions are considered to be conducive to financial difficulty:

- a. The family lost federal, state, or local assistance or is awaiting eligibility determination (includes local immigrants).
- b. The family may be evicted if the minimum requirement is imposed.
- c. The family whose income has decreased because there is change in circumstances including, but not limited to, job loss.
- d. A family member has died.
- e. When the family has an annual net income of \$900.00 or less and is elderly or has an impairment.
- f. When the family has an annual income of \$900.00 or less and has income from employment.

Every resident shall have the right to request an exception to the minimum income due to financial hardship. The owner is responsible for evaluating and determining whether the financial hardship meets the subcategories set forth in the owner's written procedure. It will also determine whether the economic hardship is temporary or long-lasting.

Below is the procedure to request the exception of the minimum income:

- a. The resident must complete the application for an exception to the minimum income indicating the reasons why he or she understands that he qualifies for said exception.
- b. The Administrator will process the suspension of the minimum income effective next month.
- c. The Administrator will evaluate the petition and request those documents it deems necessary to evidence and be able to evaluate said request within a period not exceeding one (1) week.
- d. If it is determined that the family does not qualify for the exception, the minimum income will be reactivated, and the resident will be responsible for the minimum income for the period of suspension applied.
- e. In those cases where it is determined that the financial difficulty is of short duration:
  - The exception may not be less than (90) days after the suspension of the exception.
  - At the end of the (90) day period, the Administrator will re-establish the minimum income and the resident is responsible for the repayment of the minimum income retroactive to the initial effective date of the suspension. For the repayment of the minimum income, a payment plan could be established.
- f. In those cases where it is determined that the financial difficulty is of long duration:
  - The suspension of the minimum income will be until the condition that favors its financial difficulty no longer exists.
  - The resident will be required to submit those documents that are understood to be necessary to evidence and that validate that the condition continues every (90) days which will be certified through an interim recertification.

Both the resident's petition, the letter of approval or rejection of the petition signed by the Administrator and the documentation with which the petition was evaluated have to be filed in the resident's administrative file.

## **26.0 POLICY ON THE LAW ON VIOLENCE AGAINST WOMEN – VAWA**

- a. The Landlord may not consider incidents of domestic violence, dating violence, stalking violence or sexual assault as serious or repeated violations of the Lease or other "good cause" for the termination of the victim's attendance, lease or occupancy rights.
- b. The Landlord may not consider criminal activity directly related to the abuse, committed by a member of a tenant's household or any guest or other person under the tenant's control, cause termination of attendance, lease, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.
- c. The Owner may request in writing that the victim, or a family member on behalf of the victim certify that the individual is a victim of abuse and that the *Certification of Domestic Violence, Dating Violence or Stalking* (Form HUD-5832), or other documentation as indicated on the certification form be completed and filed within 14 business days, or an agreed extension date, to receive protection under VAWA.

- d. Failure to provide certification or other supporting documentation within the specified time frame may result in eviction.
- e. Under the Violence Against Women Act (VAWA), protections apply to families who apply for or receive assistance payments under the project-based Section 8 program. This law protects victims of domestic violence, dating violence, stalking violence, and/or sexual assault and their immediate family members from being denied housing. Confirmation of domestic violence, dating violence, stalking violence, and/or sexual assault alone will not make a household eligible for admission if the home would not be eligible under the program and/or management guidelines with the Tenant Selection Plan. This includes, but is not limited to, unrelated VAWA criminal activity.
- f. Management must confirm that domestic violence, dating violence, stalking violence, and/or sexual assault exist before the applicant household receives protections under VAWA and before approving the occupation of an applicant home in case rental history, criminal reports, and/or other sources identify the home as a potential risk to the community.
- g. According to HUD guidelines (HUD Notice 2017-05), the owner/agent must provide applicant households with the option to complete a "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternative Documentation," Form HUD-5382. Alternative types of third-party documentation that can be submitted are:
  - A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.
  - A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
  - At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.
- h. The following protections are offered under VAWA to applicants and their family members:
  - An applicant's status as a victim of domestic violence, dating violence, stalking violence, and/or sexual assault is not a basis for denial of admission or rental assistance if the applicant otherwise qualifies.
  - An incident or incidents of actual or threatened domestic violence, dating violence, stalking violence, and/or sexual assault will not be construed as serious or repeated violations in determining admission.
  - Criminal activity directly related to domestic violence, dating violence, stalking violence, and/or sexual assault committed by a member of a household will not be grounds for denial of assistance. *However, the offending household member who commits the abuse must be removed from the application before further consideration for admission. This is whether or not the person committing the crime is a signatory to the application. This action must be taken while allowing the victim(s) to remain active legal applicants.* When notified of domestic violence, dating violence, stalking violence, and/or sexual assault committed by a household member, the Administration is not limited to complying with various court orders issued to protect the victim or address the distribution of property from the application in the event that the family breaks down.
  - Applicants who report a state of domestic violence, dating violence, stalking violence, or sexual assault will not be subject to higher standards than other applicants applying for admission. VAWA protections will not replace any provision of any federal, state, or local law that provides enhanced protection to victims of domestic violence, dating violence, stalking violence, or sexual assault.

**Definitions-** The following definitions are provided to help you understand VAWA protections.

- **Domestic violence** includes felonies or misdemeanors of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with the victim or has cohabited with the victim as a spouse, by a person similarly placed to a spouse of the victim under the domestic or family violence laws of the victim. the jurisdiction receiving the grant money, or by any other person against an adult or juvenile victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Dating violence** means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) when the existence of such a relationship will be determined on the basis of a consideration of the following factors: (i) the duration of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the people involved in the relationship.
- **Stalking** means (i) repeatedly following, pursuing, or committing acts with the intent to sicken, injure, harass, or intimidate, or (ii) placing under surveillance with intent to kill, injure, harass, or intimidate

another person, and (B) in the course of, or as a result of, such tracking, persecution, surveillance, or repeated acts committed, to place a person in a reasonable fear of death, or serious bodily injury to, or to cause substantial harm to (i) that person; (ii) a member of that person's immediate family; or (iii) that person's spouse or intimate partner.

- **Sexual assault** means any non-consensual sexual act, even when the victim lacks the ability to give consent. Immediate family member means, with respect to a person: (a) a spouse, parent, brother or sister, or child of the person, or a person whom that person is in place of a parent; or (b) any other person who lives in that person's home and is related to that person by blood or marriage.

The Administrator will consider the safest way to receive the certification form so that the victim is not exposed to additional risks.

The Administrator will keep the information confidential, it cannot be entered into any database or shared with any service provider unless:

- The victim requests or authorizes in writing that the information be disclosed for a limited time.
- The information is required for an eviction procedure.
- Be required through legal process.

The information will be filed in a separate file from the tenant's main file on a confidential basis and the information will not be entered into any shared database.

The "Notice of Occupancy Rights under VAWA"- HUD Form 5380 will also be provided to every resident and applicant.

The Head of Household will also complete the *Addendum- HUD-91006- "Violence Against Women and Justice Department Reauthorization Act of 2005"*, at move-in.

## **27.0 EMPLOYMENT AND INCOME VERIFICATION**

The owner will verify through the "Enterprise Income Verification" that it is a system developed by the Department of Housing and Urban Development, (HUD) for the purpose of verifying the place of employment, date you started employment and income generated by employment using the social security number to corroborate the income reported in your application or annual recertification.

All applicants and residents must have a signed and current form 9887 and 9887A (15 months) and signed by the applicant or resident before verifying the information through EIV. Reports will be requested 120 days prior to the effective date of the annual recertification, at the time of requesting an interim certification and within 90 days of the date the Move In transaction has been transmitted to TRACS.

**For Applicants:** The "Existing Tenant Search" report is used to verify if the person or any member of their family composition resides in any subsidized housing project.

- a. If the applicant or any member of their household composition resides in a subsidized housing project, they will be summoned to discuss the reasons why they receive assistance. If you have assistance and have not reported it and it is determined that the information provided is false, that request will be rejected. Once the origin and situation for which they receive the subsidized assistance has been clarified and their application has been approved, the applicant or a member of their family composition receives under some subsidized housing benefit, they will have to show evidence that they no longer receive the assistance **BEFORE** they can sign the new Lease

**For Residents:** the following reports will be used:

- "Summary report"
- "Income Report"
- "Income Discrepancy Report"
- "No HHS/SSA income reports"
- "New Hires Report"
- "Multiple Subsidy Report"
- "Identity Verification Report"
- "Deceased Tenant Report"

Those residents who are detected that the information obtained in the EIV and the information in form 50059 does not match will proceed to investigate the information identified as a discrepancy.

The *Federal Privacy Act prohibits* each individual's information from being disclosed to any other person without written consent to disclose the individual's information. For this reason, the information contained in the EIV reports may not be shared in any way [e.g., discussion, copying, displaying] to any other adult of the family composition or person assisting in the recertification process unless the individual in question provides written consent to disclose such information. This person or entity must complete the "Consent to disclosure of EIV income information to third parties." A copy of the report will be provided as long as the individual requests it in writing.