



# WESTSIDE VILLAGE

## CRITERIOS DE SELECCIÓN DE INQUILINOS

Gracias por considerar a **WESTSIDE VILLAGE** como su próxima vivienda. **WESTSIDE VILLAGE** es una propiedad de vivienda multifamiliar que ofrece unidades asequibles a hogares que ganen un **50%** y menos de los ingresos medios del área en el Condado de Wasco.

Esta propiedad es financiada por el Programa de la Sección 8 del HUD. Los hogares elegibles deben calificar según los límites de ingresos restrictivos y los reglamentos establecidos por este programa.

Para consultas sobre alquileres u otra información, póngase en contacto con nosotros utilizando la información a continuación.

**Teléfono:** (541) 298-4581

**Fax:** (541) 298-2763

**Sitio web:** [www.viridianmgt.com](http://www.viridianmgt.com)

**Correo electrónico de la propiedad:**

[wsv@viridianmgt.com](mailto:wsv@viridianmgt.com)

**Ubicación:** 2812 West 7th Street

The Dales, OR 97058

### ESTÁNDARES DE OCUPACIÓN

Tamaño	N.º mínimo de ocupantes	N.º máximo de ocupantes
2 dorm	2	5
3 dorm	3	7

### ALQUILER

La siguiente información está sujeta a cambio antes de la firma del contrato de alquiler. Los alquileres están sujetos a cambios todos los años. Por favor hable con el administrador de las instalaciones para conocer las tarifas de alquiler actuales. Los siguientes son montos mínimos y máximos. El monto de alquiler real que se cobre dependerá del tamaño de la unidad y de otras calificaciones del programa.

Los alquileres oscilan entre \$0 y \$1,391.

### DEPÓSITO DE GARANTÍA

El depósito de garantía equivale al monto mayor entre: el pago total del alquiler de un mes por parte del inquilino, o \$50.

### LISTA DE ESPERA

La lista de espera está abierta. Las solicitudes pueden presentarse personalmente en la oficina de alquileres o pueden enviarse por correo postal, correo electrónico o fax. Además, las partes interesadas pueden aplicar en línea a través del anuncio de la propiedad en [www.viridianmgt.com](http://www.viridianmgt.com). En caso de que una discapacidad le impida acceder a una solicitud o presentarla a través de alguna de las opciones anteriores, póngase en contacto con la oficina de alquileres a fin de determinar un método alternativo razonable para completar y presentar su solicitud.



## **ESTIMACIÓN DE BUENA FE**

Número aproximado de unidades actualmente disponibles, o que estarán disponibles en un futuro previsible: 1 unidades disponibles estimadas.

Número aproximado de solicitudes previamente aceptadas, y actualmente en lista de espera en consideración para esas unidades disponibles: 95 solicitudes en lista de espera.

## **EVALUACIÓN**

Cada adulto debe ser evaluado con verificaciones de antecedentes crediticios, penales y de desalojo cuando la solicitud es seleccionada en la lista de espera para un posible alquiler. El Arrendador puede obtener un informe de crédito del consumidor y/o un informe de investigación del consumidor que puede incluir la verificación del crédito, los ingresos, el empleo, el historial de alquiler y los antecedentes penales del solicitante. Esto puede incluir información en cuanto a su personalidad, reputación general, características personales y modo de vida. Usted tiene derecho a solicitar divulgaciones adicionales previstas en la Sección 606(b) de la Ley de Informes Crediticios Justos y un resumen escrito de sus derechos de conformidad con la Sección 609 (c). Tiene derecho a disputar la exactitud de la información proporcionada al Arrendador por la empresa evaluadora o la agencia de informes de crédito, así como la divulgación completa y exacta de la naturaleza y el alcance de la investigación.

Si bien somos exclusivamente responsables por nuestra decisión sobre el alquiler, esta se basó total o parcialmente en información contenida en un informe de evaluación del inquilino que nos proporcionó:

RentGrow, Inc.  
177 Huntington Ave, Suite 1703 #74213  
Boston, MA 02155-3153  
(800) 898-1351  
[www.rentgrow.com](http://www.rentgrow.com)

## 1. POLÍTICA – NO DISCRIMINACIÓN Y ADAPTACIONES

Viridian Management se ha comprometido con una política de vivienda justa y de igualdad de oportunidades de vivienda para los posibles solicitantes. Viridian Management no puede ejercer discriminación contra ningún solicitante por motivos de raza, color, religión, sexo (género), origen nacional, condición de discapacitado, estado civil o familiar, fuente de ingresos, condición de víctima de violencia doméstica, orientación sexual, identificación de género o edad. Viridian no discrimina en función de una condición de discapacidad en la admisión, el acceso, el tratamiento o el empleo en sus programas o actividades relacionados con la vivienda. Viridian cumple con los requisitos de la Ley de Vivienda Justa, la Sección 504 de la Ley de Rehabilitación, la Ley de Estadounidenses con Discapacidades (ADA, por sus siglas en inglés) y todas las leyes federales, estatales o locales de aplicación.

Según lo dispuesto por la Sección 504 de la Ley de Rehabilitación de 1973, una persona con una discapacidad debe recibir una adaptación razonable en la medida de lo necesario para brindarle la oportunidad de usar, disfrutar y ocupar el apartamento y sus instalaciones. Es posible que se exija una verificación de la discapacidad, así como de la vinculación de la adaptación con la discapacidad. De conformidad con la ley federal y estatal, una persona es discapacitada si tiene un deterioro físico o mental que limita sustancialmente una o más actividades importantes de la vida, que incluyen caminar, ver, oír, hablar, respirar, pensar, comunicarse, aprender, realizar tareas manuales y cuidar de uno mismo. Los solicitantes deben comunicarse con el administrador para obtener más aclaración con respecto a las adaptaciones razonables, o a cómo solicitar una adaptación razonable.

## 2. SOLICITUD Y LISTA DE ESPERA

Todas las personas interesadas en las viviendas administradas por Viridian pueden pedir una solicitud ya sea personalmente o por medio de otra persona designada, en la oficina local en el lugar o en la oficina regional designada, durante el horario de atención publicado; también pueden pedir que se les envíe una solicitud por correo llamando al número de teléfono local indicado en la portada de este documento. Las solicitudes pueden pedirse enviando un fax al número indicado en la portada de este documento. Se dispone de telecomunicaciones TTY llamando al número de transmisión nacional 711. Viridian Management tiene la política de prestar asistencia, toda vez que sea posible, en especial en lo que respecta a los pedidos de adaptaciones por parte de personas con discapacidades; si es necesario, los solicitantes pueden pedir ayuda para completar la solicitud.

El solicitante debe completar la solicitud **en su totalidad**. Las solicitudes pueden presentarse personalmente en la oficina de alquileres o pueden enviarse por correo postal, correo electrónico o fax. Además, las partes interesadas pueden aplicar en línea a través del anuncio de la propiedad en [www.viridianmgt.com](http://www.viridianmgt.com). En caso de que una discapacidad le impida acceder a una solicitud o presentarla a través de alguna de las opciones anteriores, póngase en contacto con la oficina de alquileres a fin de determinar un método alternativo razonable para completar y presentar su solicitud. Todos los solicitantes serán contactados por escrito, dentro de los 14 días de la fecha de recepción de la solicitud, para informarles cuál es el estado de su solicitud. Los solicitantes son incluidos en la lista de espera según el orden (fecha y hora) en que se recibe la solicitud completada.

Los solicitantes que presenten solicitudes incompletas serán incluidos en la lista de espera y se los contactará por correo para pedirles que completen la solicitud en su totalidad. Si la solicitud incompleta

no se devuelve completada dentro de los 10 días del aviso, el hogar será retirado de la lista de espera y se enviará una notificación al respecto.

Periódicamente, el administrador enviará cartas de actualización sobre la lista de espera de 10 días a todos los solicitantes de la lista con el fin de determinar si continúan interesados. Los receptores de esta carta tienen 10 días para responder. Si no se recibe una respuesta dentro de los 10 días, el administrador le enviará al solicitante una carta para notificarle que ha sido retirado de la lista de espera. Los solicitantes que respondan y deseen que se los retire de la lista de espera serán efectivamente retirados y recibirán una carta que les informará tal circunstancia.

Cuando el administrador se ponga en contacto con un solicitante para determinar si continúa interesado, le preguntará si hay algo en la solicitud que necesita cambiar. Si el solicitante indica que la información proporcionada ha cambiado, el administrador del lugar programará una cita para que el solicitante actualice la solicitud. La solicitud puede ser actualizada en una reunión personal, por correo electrónico, correo postal, por fax o por teléfono. En caso de que una discapacidad le impida presentar una solicitud actualizada a través de alguna de las opciones anteriores, póngase en contacto con la oficina de alquileres a fin de determinar un método alternativo razonable para completar la actualización de su solicitud y proporcionar los cambios de información necesarios.

Los solicitantes que reciban un aviso de unidad disponible pueden negarse una vez a comenzar el proceso de elegibilidad para esa unidad. El hogar será dejado de lado para esa unidad, pero permanecerá en la lista de espera en el orden de la fecha de su solicitud original. Los solicitantes que rechacen la segunda unidad ofrecida recibirán un aviso de retiro de la lista de espera, a menos que el solicitante pueda demostrar que necesitó rechazar la unidad debido a una circunstancia atenuante fuera de su control. Además, si la propiedad cuenta con ayuda para el alquiler basada en el proyecto que no está disponible para todas las unidades, el solicitante podrá solicitar su permanencia en la lista de espera hasta tanto se disponga de una unidad con ayuda para el alquiler.

Por último, si los avisos enviados por correo al solicitante se devuelven debido a la imposibilidad de entregarlos, la administración intentará ponerse en contacto con el solicitante por medio de algún número de teléfono o correo electrónico proporcionado a fin de obtener información actualizada sobre la dirección postal. En caso de que estos intentos de contactar al solicitante fallen, el hogar será retirado de la lista de espera.

Todos los solicitantes deben estar dispuestos a firmar un formulario para autorizar la verificación de todos los ítems de la solicitud, lo cual incluye todos los ingresos, bienes y asignaciones, junto con referencias de crédito, personales y del arrendador. Todos los hogares deben proporcionar identificaciones positivas, según lo exija el programa de financiamiento relacionado con este proyecto, de todas las personas que formarán parte del hogar. La elegibilidad preliminar quedará satisfecha mediante la información en la solicitud; la inclusión de una solicitud en la lista de espera no indica la selección definitiva del inquilino. Los solicitantes pueden pedir información relativa al estado actual de su solicitud escribiendo o llamando a la oficina local en el lugar al número indicado en la primera página de este documento, o a la Oficina Central al 1(541) 426-3820.

Los solicitantes que hayan indicado que necesitan características de una unidad accesible diseñada para ayudar a personas con discapacidades y hayan solicitado tales características, y que además hayan verificado la necesidad de contar con características de este tipo de unidad y cumplan con la definición de discapacitados, tendrán prioridad para esas unidades. En caso de que ningún hogar que se vería beneficiado con las características de una unidad accesible efectivamente las solicitara, esta unidad se

ofrecerá a una persona no discapacitada y elegible en cuanto a ingresos que se encuentre en la lista de espera. En esta circunstancia, a los solicitantes —como inquilinos— se les pedirá que firmen un apéndice del contrato de alquiler por el que aceptarán mudarse (a su propio cargo) a otra unidad en caso de que haya disponible una unidad de tamaño apropiado y haya hogares que necesiten la unidad accesible.

Todo solicitante que solicite modificaciones o adaptaciones relacionadas con su discapacidad en unidades no adaptadas recibirá consideración en cuanto a esos pedidos cuando resulte seleccionado, pero sin prioridad para su selección.

### **3. NÚMERO DE OCUPANTES**

El número de ocupantes que residan en la unidad debe guardar conformidad con los estándares de densidad de la unidad establecidos por el Propietario/Administrador. Al determinar los estándares de densidad de las unidades, la intención de la política de la propiedad es no sobrepoblar ni subutilizar el espacio. Las distintas propiedades pueden tener distintos estándares de densidad dependiendo del financiamiento federal o estatal de la unidad, el tamaño de los dormitorios, la superficie de la unidad y cualquier ordenanza y restricción de carácter local; consulte la página uno para obtener una tabla de los estándares de densidad de las unidades. El Propietario/Administrador puede cambiar los estándares de densidad de la unidad durante el plazo del alquiler si así resulta necesario debido a cambios producidos en las leyes, ordenanzas o reglamentos.

Los hogares que pasen a tener una vivienda demasiado reducida o demasiado grande debido a cambios en la composición del hogar o a cambios en las ordenanzas o restricciones locales, estatales o federales deberán mudarse a una unidad de tamaño más adecuado en un plazo de 30 días, siempre que exista una disponible en la propiedad. Si efectivamente existe una unidad de tamaño adecuado y el grupo familiar del hogar se niega a mudarse a esa unidad, este último podrá permanecer en la unidad pero deberá pagar un alquiler de mercado.

El estándar de densidad de la unidad se basa en el número de personas en el hogar e incluye a todos los miembros del hogar a tiempo completo, las personas que están en la escuela pero que viven con el solicitante en los recesos escolares, los niños por nacer o los niños en proceso de adopción o bajo acción de custodia, niños bajo cuidado de crianza y asistentes con cama. Los niños que viven en un hogar el 50% del año o más también son contabilizados; sin embargo, los visitantes, los miembros del hogar reclusos/institucionalizados en forma permanente y las personas en servicio militar activo no se contabilizan en esta determinación a los fines de la elegibilidad para la ocupación.

Un solicitante discapacitado que necesitara una unidad más grande como adaptación para una discapacidad recibiría tal consideración, incluso si el estándar de densidad de la unidad de la propiedad no lo permitiera. En el caso de las unidades de diseño específico (es decir, libres de barreras), los solicitantes que necesitaran esas características recibirían prioridad incluso si la ocupación se considerara de otro modo subutilizada.

### **4. ELEGIBILIDAD – GENERALIDADES**

Los solicitantes que cumplan con las pautas de ingresos/ocupación y hayan llegado a la parte superior de las listas de ingresos y/u otras listas de preferencia, deberán no obstante cumplir todos los demás criterios de elegibilidad antes de que se autorice su mudanza. La Administración notificará al solicitante

cuando su solicitud esté lista para ser procesada a los fines de la vivienda. Los solicitantes recibirán el aviso de que deben comunicarse con el administrador dentro de los 10 días para comenzar el proceso, ya que de lo contrario se les emitirá una carta de retiro de la lista de espera.

Además de cualquier requisito del programa de propiedad, los solicitantes también deben cumplir los criterios de la solicitud, la entrevista y las referencias tal como se define a continuación.

Los solicitantes que hayan sido rechazados para la ocupación recibirán una carta que detallará cualquier derecho de apelación aplicable y una descripción de los motivos del rechazo.

Tal como se indicó anteriormente, no se procesará ninguna solicitud que esté incompleta si el solicitante no responde al aviso que se le envíe a tal efecto dentro de los 10 días. El solicitante que se niegue a firmar el formulario para autorizar la verificación de todos los ítems contenidos en la solicitud, incluidos sus ingresos, bienes y asignaciones junto con las referencias de crédito, personales y del arrendador, será retirado de la lista de espera y recibirá el aviso que le informará tal circunstancia.

Los solicitantes que excedan los límites de ingresos máximos permisibles o los estándares de densidad de la unidad respecto a una propiedad, o sobre quienes se compruebe que han proporcionado respuestas falsas en la solicitud o en la entrevista, serán rechazados.

Los solicitantes que no asistan a una entrevista programada (a menos que existan circunstancias atenuantes) o que asistan a la entrevista bajo la influencia de drogas ilegales o en estado de ebriedad, o cuya conducta sea abusiva, amenazante o disruptiva, serán rechazados.

El hogar en el que algún miembro esté actualmente incurriendo en consumo ilegal de drogas o sobre el cual el propietario tenga motivos razonables para creer que el consumo o patrón de consumo ilegal de una droga puede interferir en la salud, la seguridad y el derecho a disfrutar pacíficamente de la propiedad por parte de otros residentes, será rechazado.

Cualquier hogar será rechazado si existen motivos razonables para creer que el comportamiento del miembro a causa del abuso o de un patrón de abuso de alcohol, puede interferir en la salud, la seguridad y el derecho a disfrutar pacíficamente de la propiedad por parte de otros residentes.

Los solicitantes serán rechazados si se determina que su presencia o la presencia de cualquiera de los miembros de su hogar crearía un entorno inseguro.

La totalidad del alquiler mensual de una unidad no debe exceder el 50% de los ingresos netos del hogar (ingresos después de las retenciones exigidas por la ley o como condición de empleo). A los fines de este cálculo, los cupones de alimentos se incluirán en los ingresos del hogar. Este requisito no se aplicará si una parte del alquiler se va a pagar con un subsidio para el alquiler. Los solicitantes deben ponerse en contacto con el administrador de la propiedad en caso de que requieran una explicación adicional.

Los solicitantes que deseen ser un inquilino o coinquilino deben poseer capacidad legal para firmar todos los documentos, a menos que se determine que se hará una adaptación para que la persona permita la firma de un tutor, si de otro modo es elegible.

## 5. ELEGIBILIDAD – ANTECEDENTES PENALES

Al recibirse la solicitud de alquiler y el cargo por la evaluación, el arrendador llevará a cabo una búsqueda en los registros públicos para determinar si el solicitante o cualquier residente u ocupante propuesto tiene una “Condena” (es decir, cargos pendientes a la fecha de la solicitud; una condena; una declaración de culpabilidad; o una declaración de no impugnación) por cualquiera de los siguientes delitos, según se establece en ORS 90.30.303 (3): delito relacionado con drogas; delito contra una persona; delito sexual; delito que involucre fraude financiero, incluidos robo y falsificación de identidad; o cualquier otro delito si la conducta por la que el solicitante fue condenado o está acusado es de tal naturaleza que puede afectar negativamente la propiedad del arrendador o de un inquilino, o la salud, seguridad o el derecho al disfrute pacífico de las instalaciones por parte de los residentes, el arrendador o el agente del arrendador. El arrendador no tendrá en cuenta un arresto anterior que no haya resultado en una condena ni registros que hayan sido eliminados.

Si el solicitante, o cualquier ocupante propuesto, tiene una condena que lo descalificaría según estos criterios de condenas penales y, junto con la solicitud, desea presentar al arrendador información adicional para que este pueda realizar una evaluación individualizada (según se describe a continuación) al recibir los resultados de la búsqueda en los registros públicos y antes de dar una negativa, debe hacerlo. De lo contrario, el solicitante puede solicitar el proceso de revisión posterior a la negativa tal como se indica a continuación; no obstante, vea más abajo el ítem (c) bajo “Proceso de revisión de evaluación individualizada con evidencia suplementaria” con respecto a la reserva de la unidad.

Una única condena por cualquiera de los siguientes delitos, con sujeción a los resultados de cualquier proceso de revisión, será motivo para denegar la solicitud de alquiler.

- a. Delitos graves que involucren: asesinato, homicidio involuntario, incendio premeditado, violación, secuestro, delitos sexuales violentos o depredadores contra menores u otras personas, o la fabricación o distribución de una sustancia controlada.
- b. Delitos graves no mencionados anteriormente que involucren: un delito relacionado con drogas, delito contra personas, delito sexual, delito que involucre fraude financiero, incluidos robo y falsificación de identidad, o cualquier otro delito si la conducta por la cual el solicitante fue condenado o acusado es de una naturaleza tal que afectaría adversamente la propiedad del arrendador o a un inquilino, o la salud, la seguridad o el derecho a disfrutar pacíficamente de las instalaciones por parte del inquilino, el arrendador o el agente de este último, cuando la fecha de disposición haya sido en los últimos siete (7) años.
- c. Delitos menores que involucren delitos relacionados con drogas, delitos contra personas, delitos sexuales, violencia doméstica, infracción de una orden de restricción, acoso, armas, suplantación de identidad criminal, posesión de herramientas de robo, delitos de fraude financiero, cuando la fecha de disposición haya sido dentro de los últimos cinco (5) años.
- d. Delitos menores no mencionados anteriormente que involucren: robo, ingreso ilegal, daños ilegales, delitos contra la propiedad o cualquier otro delito si la conducta por la cual el solicitante fue condenado o acusado es de una naturaleza tal que afectaría adversamente la propiedad del arrendador o a un inquilino, o la salud, la seguridad o el derecho a disfrutar pacíficamente de las instalaciones por parte de los residentes, el arrendador o el agente de este último, cuando la fecha de la disposición haya sido en los últimos tres (3) años.
- e. La condena por cualquier delito que requiera registro de por vida como delincuente sexual, o por el cual el solicitante esté actualmente registrado como tal, dará lugar a la denegación.

### **Proceso de revisión de evaluación individualizada con evidencia suplementaria**

El arrendador llevará a cabo una evaluación individualizada de las condenas de los solicitantes u otros ocupantes propuestos, si es que el solicitante cumplió con todos los demás criterios (y la negativa se basó exclusivamente en una o más condenas) según lo exijan las leyes locales, estatales y federales; y:

- a. El solicitante ha presentado documentación de respaldo antes de la búsqueda en los registros públicos; o
- b. El solicitante recibe una negativa debido a que no cumple estos criterios penales y ha presentado una solicitud por escrito junto con la documentación de respaldo. La documentación de respaldo puede incluir:
  - i. Una carta de la oficina de libertad condicional o libertad bajo palabra;
  - ii. Una carta del trabajador del caso, terapeuta, consejero, etc.;
  - iii. Certificaciones de tratamientos/programas de rehabilitación;
  - iv. Carta del empleador, maestro, etc.
  - v. Certificación de capacitaciones completadas;
  - vi. Comprobante de empleo; y
  - vii. Declaración del solicitante.

Asimismo, el arrendador realizará una evaluación individualizada si no se recibe información suplementaria según lo exija cualquier ley local, estatal o federal. El arrendador:

- a. Tendrá en cuenta la evidencia individualizada relevante de factores atenuantes, que pueden incluir: los hechos o circunstancias que rodearon la conducta delictiva; la edad de la persona condenada en el momento en que incurrió en la conducta; el tiempo transcurrido desde la conducta delictiva; el tiempo transcurrido desde la liberación de la encarcelación o la finalización de la libertad condicional; evidencia de que la persona ha mantenido un buen historial como inquilino antes y/o después de la condena o conducta; y evidencia de esfuerzos de rehabilitación. El arrendador podrá solicitar información adicional y podrá considerar si ha habido varias condenas como parte de este proceso.
- b. Notificará al solicitante los resultados de la revisión del arrendador dentro de un tiempo razonable después de haber recibido toda la información requerida.
- c. Reservará la unidad para la cual se recibió la solicitud durante un tiempo razonable, según todas las circunstancias, para completar la revisión, a menos que, antes de recibir la solicitud por escrito del solicitante (si se realiza después de la negativa), la unidad haya sido comprometida con otro solicitante.

## **6. ELEGIBILIDAD – ANTECEDENTES CREDITICIOS**

Para determinar la elegibilidad, se evaluarán los antecedentes crediticios; sin embargo, la falta de antecedentes crediticios no será una causa para denegar la solicitud. Los informes de crédito que contengan procesos de cobranza de servicios públicos impagos o sentencias (en las propiedades en las que los servicios sean pagados por los inquilinos) u otras deudas relacionadas con la vivienda serán una causa para denegar la solicitud. Las deudas de cable, teléfono celular e Internet no se consideran gastos relacionados con los servicios públicos o la vivienda.

Si usted puede proporcionar una prueba de circunstancias atenuantes en torno a deudas específicas, o puede demostrar que trabaja activamente con el fin de resolver sus deudas, esas circunstancias se tendrán en cuenta durante el proceso de evaluación de la solicitud.

## **7. ELEGIBILIDAD – REGISTROS PÚBLICOS Y REFERENCIAS DE ALQUILER**



Los antecedentes de alquiler con terceros serán verificados. Por favor provea referencias a quienes se pueda contactar. La falta de antecedentes de alquiler no constituirá una causa para denegar la solicitud. Es posible que algunos solicitantes no tengan referencias de alquiler o de crédito anteriores o actuales, pero podrán de todos modos ofrecer referencias personales no relacionadas. Los registros públicos o los antecedentes de alquiler que incluyan, entre otras, las siguientes circunstancias pueden motivar el rechazo de su solicitud de alquiler:

- a) Desalojo de una vivienda dentro de los últimos cinco años. Por favor tenga en cuenta que no se tendrán en cuenta los desalojos, el alquiler impago (incluido el alquiler reflejado en condenas) o las derivaciones de deudas a una agencia de cobranza que se hayan acumulado a partir del 1 de abril de 2020 y antes del 1 de marzo de 2022.
- b) Referencias de alquiler que indiquen que el solicitante causó daños considerables a la unidad, desalojó la unidad mientras adeudaba sumas de alquiler, se atrasó en el pago de su alquiler en tres o más ocasiones dentro de un año, causó disturbios en la propiedad alquilada en más de una ocasión o mantuvo su unidad en condiciones antihigiénicas.
- c) Referencias que indiquen que el solicitante utilizó la propiedad alquilada para actividades ilegales o que incurrió en incumplimiento de su contrato de alquiler en tres o más ocasiones durante el plazo del contrato.

Los solicitantes deben ser honestos y revelar cualquier información que pueda ofrecer un mayor contexto para un desalojo, lo que incluye circunstancias atenuantes anteriores como la pérdida del trabajo y/o causas mayores de naturaleza médica. Durante el proceso de evaluación de la solicitud se tendrá en cuenta la finalización exitosa de un programa de inquilinos de segunda oportunidad aprobado, o la prueba de que las circunstancias que llevaron a un desalojo ya no existen.

El rechazo se emitiría por medio de una declaración escrita al solicitante, con notificación de los derechos de queja y apelación, si correspondieran.

## **8. POLÍTICA DE TRASLADOS**

Los actuales inquilinos que requieran un traslado de unidad por los siguientes motivos se registrarán en una lista de espera de traslado interno y recibirán preferencia para las unidades apropiadas por encima de la lista de espera de solicitantes y la lista de espera de traslado interno. Los hogares que tengan la necesidad de contar con una unidad totalmente adaptada y accesible, y aquellos que sean trasladados en virtud de las protecciones de la Ley de Violencia contra la Mujer (VAWA, por sus siglas en inglés) reciben prioridad en la lista de espera de traslado. Para trasladarse, los inquilinos deben recibir una aprobación previa y deben cumplir con los criterios de selección de inquilinos, los estándares de ocupación y la regulación del programa según corresponda a la unidad deseada.

- a) Un traslado a una unidad accesible por un motivo de carácter médico certificado por un profesional calificado, si la discapacidad no es manifiesta;
- b) Un traslado de unidad de conformidad con la política de Traslado de Emergencia en virtud de la VAWA;
- c) Un traslado de unidad requerido debido al tamaño de la familia o a cambios en la composición familiar;

- d) Un traslado de unidad para obtener una adaptación razonable por un motivo de carácter médico certificado por un profesional calificado, si la discapacidad no es manifiesta.

Los actuales inquilinos que soliciten un traslado de unidad por cualquier otro motivo que no sea el estándar de ocupación de la unidad, una adaptación razonable y las protecciones de la VAWA serán agregados a la lista de espera de traslado y se los seleccionará según la fecha de solicitud, después de que aquellos que tengan las prioridades enumeradas anteriormente estén adecuadamente alojados. Para trasladarse, los inquilinos deben recibir una aprobación previa y deben cumplir con los criterios de selección de inquilinos, los estándares de ocupación y la regulación del programa según corresponda a la unidad deseada. En algunos casos, es posible que el hogar deba establecer su elegibilidad en cuanto al programa y los ingresos para acceder a la unidad deseada si existen fuentes de financiamiento determinadas. Además de cualquier requisito en relación con el financiamiento, la consideración y aprobación de las solicitudes de traslado se basarán en los siguientes criterios:

- a) El hogar debe haber estado residiendo en la propiedad por al menos un año;
- b) Los inquilinos deben estar en regla. El alquiler y los demás cargos deben estar al día y el historial de pago del alquiler debe ser positivo;
- c) Los antecedentes en cuanto a limpieza son satisfactorios, y los inquilinos tienen un historial positivo sin infracciones en curso o importantes del contrato de alquiler.

Al ser notificado sobre la disponibilidad de una unidad, un inquilino puede rechazar un apartamento dos veces. En caso de que un inquilino rechace un apartamento por tercera vez, la persona será retirada de la lista de traslado interno y se rechazará su pedido por ese motivo.

## **9. SEGURO PARA INQUILINOS**

Viridian Management recomienda firmemente que todos los inquilinos cuenten con una póliza de seguro para inquilinos en vigor durante el plazo de su contrato de alquiler. Si un inquilino prefiere no obtener una póliza de seguro para inquilinos, el inquilino acepta eximir de responsabilidad al Arrendador/Propietario o a cualquier representante de este por cualquier daño, robo o pérdida que pueda ocurrir en las posesiones personales del inquilino mientras alquila la unidad. El seguro para inquilinos es recomendable, pero no es obligatorio.

## **10. VAWA-LEY DE VIOLENCIA CONTRA LA MUJER**

El hecho de que un solicitante sea o haya sido víctima de violencia doméstica, agresión sexual, violencia en el noviazgo, o acecho no es un fundamento apropiado para que se niegue la ayuda del programa o para que se niegue la admisión, si el solicitante califica de otro modo para la admisión.

Al determinar la elegibilidad para la vivienda, en los casos en que el Agente, actuando en nombre de los Propietarios del Proyecto, haya tomado conocimiento de que el hogar incluye una víctima de violencia doméstica, y cuando la evaluación revele información negativa y posiblemente descalificante, como antecedentes crediticios malos, daños anteriores a un apartamento, o un arresto anterior, se harán averiguaciones con respecto a las circunstancias que contribuyeron a estos antecedentes negativos, para determinar si esos eventos pasados fueron la consecuencia de la violencia doméstica ejercida contra un miembro del hogar del solicitante.

Cualquier averiguación de ese tipo aclarará que los miembros de los hogares solicitantes tienen el derecho de mantener cualquier antecedente de violencia doméstica ejercida contra ellos con carácter confidencial.

Cuando las averiguaciones revelen que los antecedentes negativos fueron la consecuencia de violencia doméstica, agresión sexual, violencia en el noviazgo, o acecho ejercidos contra un miembro del hogar solicitante, no se negará al hogar solicitante la asistencia de vivienda sobre la base de este informe, siempre que el responsable de la violencia doméstica no sea un miembro del hogar solicitante.

El Agente podrá pedir documentación que establezca que los antecedentes negativos fueron la consecuencia de violencia doméstica, agresión sexual, violencia en el noviazgo, o acecho. El solicitante tendrá catorce días hábiles (es decir, sin contar fines de semana y días festivos para determinar la fecha límite) para proporcionar esa documentación. El Agente podrá otorgar extensiones a la fecha límite de catorce días si el solicitante demuestra una causa válida. El solicitante podrá cumplir el requisito de la documentación en cualquiera de las siguientes maneras:

- 1) Completando un formulario de certificación que verifique que la persona es una víctima de violencia doméstica, violencia en el noviazgo, o acecho, y que el incidente o incidentes en cuestión son incidentes de buena fe de abuso real o amenaza de abuso. Tal certificación incluirá el nombre del responsable, si se conoce; O BIEN
- 2) Proporcionando documentación firmada por cualquiera de los siguientes terceros:
  - a) un empleado, agente, o voluntario de un proveedor de servicio a víctimas;
  - b) un abogado;
  - c) un profesional médico; u
  - d) otro profesional con los correspondientes conocimientos.

La persona que firme la documentación debe haber ayudado a la víctima a abordar la violencia doméstica, la violencia en el noviazgo, o el acecho, o bien los efectos del abuso. La persona que firme la documentación debe certificar bajo pena de perjurio a su saber y entender que el incidente o incidentes en cuestión son incidentes de buena fe de abuso. La víctima de violencia doméstica, agresión sexual, violencia en el noviazgo o acecho también debe firmar la documentación; O

- 3) Presentando un registro policial o judicial federal, estatal, tribal, territorial o local.

Todas las cartas de negativa de asistencia notificarán a los solicitantes sobre las protecciones de la VAWA y les informarán que pueden buscar una evaluación informal si consideran que la negativa de asistencia tuvo relación con actos de violencia doméstica, agresión sexual, violencia en el noviazgo o acecho cometidos contra el solicitante.

Si, debido a inquietudes sobre seguridad, una víctima de violencia doméstica, agresión sexual, violencia en el noviazgo o acecho no está dispuesta o no puede proveer información o la identificación que normalmente se requiere para confirmar la elegibilidad, se hará lo posible para establecer de otro modo la elegibilidad y se aceptarán fuentes y métodos alternativos de verificación.

## **11. PREFERENCIAS**

Esta propiedad tiene una o más preferencias en la lista de espera, lo cual significa que se otorga prioridad a los solicitantes que califican para una categoría de preferencia específica. Los solicitantes que cumplan con una o más de las preferencias recibirán la primera oportunidad para calificar para las unidades disponibles, y podrán pasar por encima de otros solicitantes de la lista de espera que no califiquen para ninguna preferencia. La siguiente preferencia o preferencias se aplican a la lista de espera de esta propiedad:

- a) Hogares desplazados por acción del gobierno o desastre natural. Hogares o personas que se ven obligadas a mudarse de su vivienda como resultado de una acción del gobierno federal, estatal o local, o si se obligó al hogar o a la persona a mudarse de su vivienda como resultado de un desastre natural declarado a nivel federal, como un incendio o una inundación.

## **12. NO DISCRIMINACIÓN**

No se discriminará ni se segregará a ninguna persona, solicitante o residente por motivos de raza, color, religión, origen nacional, discapacidad, edad, sexo (género), estado civil o familiar, fuente de ingresos, condición de víctima de violencia doméstica, orientación sexual o identificación de género. No se podrá rechazar solicitudes y tampoco se podrá denegar la vivienda a solicitantes y/o residentes, como tampoco estos podrán ser tratados de manera distinta a otros, ser acosados o ser desalojados de sus viviendas en función de alguno de estos criterios discriminatorios.

Para informar una queja sobre vivienda justa, póngase en contacto con:

Consejo de Vivienda Justa de Oregón  
506 SW Sixth, Suite 1111  
Portland, OR 97204  
Information@FHCO.org  
(503) 228-8197 Ext. 2  
(800) 424-3247 Ext. 2 (se dispone de TTY y de traducción)

Alternativamente, puede ponerse en contacto con:

Region X Office of FHEO  
U.S. Department of Housing and Urban Development  
Seattle Federal Office Building  
909 First Avenue Suite 300  
Seattle, WA 98104  
(206) 220-5170 o (800) 877-0246

## **CRITERIOS DE SELECCIÓN DEL HUD**

Este documento tiene como fin constituir un anexo de los Criterios de Selección de Inquilinos. Explica algunos criterios de selección adicionales en función de los requisitos que imponen las reglamentaciones estatales y/o federales al propietario/agente debido a los fondos utilizados en la construcción, adquisición y/o rehabilitación del proyecto.

Se rechazarán los solicitantes que no cumplan los límites de ingresos del HUD (para obtener más información, vea la primera página de los Criterios de Selección de Inquilinos).

Cuando en un proyecto haya financiamiento estratificado y criterios conflictivos en cuanto a los inquilinos, se utilizarán los estándares más restrictivos.

## **1. ESTUDIANTES**

1. La elegibilidad del estudiante se determina en el momento de la mudanza/certificación inicial y en cada certificación anual. La elegibilidad del estudiante también puede ser revisada durante la certificación intermedia si el estatus del estudiante ha cambiado desde la última certificación. Todos los estudiantes tienen la obligación de informar cualquier cambio en su estatus de estudiante.
2. Para el programa de Sección 8, **no** se proveerá asistencia a ningún individuo que:
  - a. Esté inscrito ya sea como estudiante a tiempo parcial o a tiempo completo en una institución de educación superior a los fines de obtener un título, certificado u otro programa conducente a una credencial académica reconocida;
  - b. Sea menor de 24 años;
  - c. No esté casado;
  - d. No sea veterano de las Fuerzas Armadas de los Estados Unidos;
  - e. No tenga un hijo dependiente;
  - f. No sea una persona con discapacidades, tal como se define el término en la sección 3(b)(3)(E) de la Ley de Vivienda de los Estados Unidos de 1937 (42 U.S.C. 1437a(b)(3)(E)) y no hubiera estado recibiendo asistencia de Sección 8 al \*30 de noviembre de 2005\*.
  - g. No esté viviendo con sus padres y estos estén recibiendo asistencia de Sección 8; y
  - h. No sea elegible a nivel personal para recibir asistencia de Sección 8 y tenga padres (ya sea a nivel personal o conjuntamente) no elegibles en virtud de sus ingresos para recibir asistencia de Sección 8.

1. Para que un estudiante sea elegible en forma independiente de sus padres (cuando los ingresos de los padres no son relevantes), debe demostrar la ausencia de, o su independencia de, los padres. Si bien los propietarios pueden aplicar criterios adicionales para determinar la independencia del estudiante de sus padres, deben aplicar (y los estudiantes deben cumplir), como mínimo, todos los criterios siguientes para ser elegibles para la asistencia de Sección 8. El estudiante debe:

- a. Tener la edad reglamentaria para celebrar contratos según la ley estatal;
  - b. Haber establecido un hogar separado de sus padres o tutores legales al menos un año antes de la solicitud de ocupación de la unidad, o bien cumplir con la definición de “estudiante independiente” del Departamento de Educación de los Estados Unidos;
  - c. No ser reclamado como dependiente por los padres o tutores legales de acuerdo con las regulaciones del Servicio de Impuestos Internos; y
  - d. Obtener una certificación del monto de asistencia financiera que será proporcionado por los padres, firmada por la persona que provea dicho respaldo. Esta certificación es obligatoria aunque no se provea ninguna asistencia.
2. La elegibilidad del estudiante se determina en el momento de la mudanza/certificación inicial y en cada certificación anual. La elegibilidad del estudiante también puede ser revisada durante la certificación intermedia si el estatus del estudiante ha cambiado desde la última certificación. Todos los estudiantes tienen la obligación de informar cualquier cambio en su estatus de estudiante.
  3. El estudiante que esté inscrito ya sea como estudiante a tiempo parcial o a tiempo completo en una institución de educación superior a los fines de obtener un título, certificado u otro programa conducente a una credencial académica reconocida **será** elegible para recibir

asistencia si cumple todos los demás requisitos de elegibilidad, cumple todos los requisitos de los criterios de selección y:

- a. Está viviendo con sus padres/tutor; o
  - b. Tiene al menos 24 años de edad; o
  - c. Está casado; o
  - d. Es veterano de las Fuerzas Armadas de los Estados Unidos o se encuentra actualmente en servicio activo en las Fuerzas Armadas por otro motivo que no sea fines de entrenamiento; o
  - e. Tiene dependientes legales además del cónyuge; o
  - f. Es una persona con discapacidades que estaba recibiendo asistencia de Sección 8 al 20 de noviembre de 2005;
  - g. Es un estudiante graduado o profesional; o
  - h. Es un estudiante independiente, lo cual se define como una persona que:
    - i. tiene 24 años de edad o más al 31 de diciembre del año de adjudicación;
    - ii. Es huérfano, se encuentra bajo cuidado temporal, o es un pupilo del tribunal o lo fue en cualquier momento cuando tenía 13 años o más;
    - iii. Es o fue, inmediatamente antes de alcanzar la mayoría de edad, un menor emancipado o bajo tutela legal según lo determinado por un tribunal de jurisdicción competente en el estado de residencia legal de la persona.
    - iv. Es veterano de las Fuerzas Armadas o se encuentra actualmente en servicio activo por otro motivo que no sea fines de entrenamiento;
    - v. Es un estudiante graduado o profesional;
    - vi. Está casado;
    - vii. Tiene dependientes legales;
    - viii. Es un estudiante para quien un administrador de ayuda financiera toma una determinación documentada de independencia debido a otras circunstancias inusuales;
    - ix. Independiente;
    - x. Ha sido verificado durante el año escolar en el que se presenta la solicitud ya sea como un joven no acompañado que constituye un joven sin hogar (según lo define la sección 725 de la Ley de Asistencia para Personas sin Hogar McKinney-Vento), o en riesgo de quedarse sin hogar, por:
      1. Una persona de enlace de personas sin hogar perteneciente a una agencia educativa local; o
      2. El director, o persona designada, de un programa financiado en virtud de la Ley de Jóvenes Desaparecidos y sin Hogar; o
      3. El director, o persona designada, de un programa financiado en virtud del Subtítulo B del Título IV de la Ley de Asistencia para Personas sin Hogar McKinney-Vento; o
      4. Un administrador de ayuda financiera
  - i. Tiene padres cuyos ingresos son elegibles para el programa de Sección 8; o
  - j. El estudiante reside con sus padres en una unidad asistida por el programa de Sección 8 o reside con padres que están solicitando recibir asistencia de Sección 8.
4. Cualquier asistencia financiera que un estudiante reciba en virtud de la Ley de Educación Superior de 1965, de fuentes privadas, o de una institución de educación superior que exceda las cantidades recibidas para la matrícula y otros cargos se incluye en los ingresos anuales, excepto:
- a. Si el estudiante tiene más de 23 años y tiene hijos dependientes, o

- b. Si el estudiante está viviendo con sus padres y estos están recibiendo asistencia de Sección 8
5. La asistencia financiera proporcionada por personas que no viven en la unidad no forma parte de los ingresos anuales si el estudiante cumple con la definición de "joven vulnerable" del Departamento de Educación.
  6. Si un estudiante no elegible es miembro de un hogar existente que recibe asistencia de Sección 8, la asistencia del hogar no será prorrateada sino que será finalizada.
  7. Cualquier asistencia financiera que un estudiante reciba (1) en virtud de la Ley de Educación Superior de 1965, (2) de fuentes privadas, o (3) de una institución de educación superior que exceda las cantidades recibidas para matrícula se incluye en los ingresos anuales, excepto si el estudiante tiene más de 23 años e hijos dependientes o si el estudiante vive con sus padres y estos están recibiendo asistencia de Sección 8.
  8. Los estudiantes no ciudadanos y sus familias no ciudadanas no pueden recibir asistencia. Los estudiantes no ciudadanos no son elegibles para la continuación de la asistencia, la asistencia prorrateada o la prórroga temporal de la terminación de la asistencia. Esta prohibición se aplica al cónyuge y a los hijos no ciudadanos del estudiante no ciudadano. Sin embargo, los cónyuges e hijos que son ciudadanos pueden recibir asistencia. Por ejemplo, una familia que incluye a un estudiante no ciudadano casado con un ciudadano estadounidense es una familia mixta.

## **2. ENFOQUE DE INGRESOS**

Al menos el 40% de todas las unidades vacantes en un año fiscal deben ser alquiladas a hogares con ingresos iguales o inferiores al 30% de los ingresos medios del área. Cuando el proyecto necesite cumplir con este requisito, las personas con ingresos iguales o inferiores al 30% de los ingresos medios del área tendrán prioridad en la lista de espera y podrán saltarse a otros solicitantes con ingresos en el hogar superiores al 30% de los ingresos medios del área. Las listas de espera se priorizan según los ingresos, seleccionando primero en las categorías de ingresos más bajos.

Al menos trimestralmente, la Administración revisará los hogares seleccionados para ocupación en el año fiscal con el fin de garantizar que al menos el 40% hayan tenido ingresos inferiores al 30% de los ingresos medios del área en el momento de la mudanza. Si no se ha cumplido con este requisito y ningún solicitante en la lista de espera cumple con este criterio, la Administración realizará actividades de divulgación y publicidad para atraer a solicitantes con ingresos extremadamente bajos. Los solicitantes que cumplan con esta restricción de ingresos tendrán prioridad en la lista de espera.

### **3. EVALUACIÓN DE VERIFICACIÓN DE INGRESOS DE ENTERPRISE (EIV, POR SUS SIGLAS EN INGLÉS)**

Cuando cada solicitante sea seleccionado de la lista de espera, se verificará su número de seguro social, o el de cualquier miembro de su hogar, en el sistema de Verificación de Ingresos de Enterprise (EIV) del HUD mediante la búsqueda de inquilinos existentes. La función de búsqueda de inquilinos existentes del EIV se utilizará para garantizar que los solicitantes de la propiedad no estén recibiendo ya un subsidio de vivienda federal. Los solicitantes no son elegibles para ser admitidos mientras estén recibiendo un subsidio de vivienda federal en otro lugar.

### **4. VERIFICACIÓN DE ANTECEDENTES PENALES**

Cuando cada solicitante, o cualquier miembro adulto de su hogar, sea seleccionado de la lista de espera, se verificará que su nombre, fecha de nacimiento y número de seguro social no figuren en el registro de delincuentes sexuales de por vida. Se rechazarán las solicitudes que contengan un miembro del hogar que esté sujeto a, o cuyo nombre esté incluido en, cualquier registro de delincuentes sexuales federal, estatal o local.

### **5. CIUDADANÍA**

Por ley, solo los ciudadanos estadounidenses y los no ciudadanos elegibles pueden beneficiarse de la asistencia federal para el alquiler. Para cumplir con estas leyes, no se proporcionará asistencia a los miembros que no sean ciudadanos o nacionales de los EE. UU., o a los no ciudadanos que no tengan un estatus migratorio elegible. Todos los miembros de la familia, independientemente de su edad, deben declarar su estatus de ciudadanía o inmigración. Los solicitantes que tengan una visa de estudiante no ciudadano no son elegibles para recibir asistencia, al igual que cualquier miembro de la familia no ciudadano que viva con el estudiante. Los solicitantes no ciudadanos deberán presentar una prueba de su estatus migratorio elegible en el momento de la solicitud y serán verificados a través del Programa SAVE (Verificación Sistemática de Extranjeros para Beneficios) de la Oficina de Inmigración y Control de Aduanas de los EE. UU. (ICE).

### **6. DIVULGACIÓN DE NÚMERO DE SEGURO SOCIAL**

Los solicitantes deben divulgar sus números de seguro social para que se pueda realizar una determinación de elegibilidad antes de la admisión. Los solicitantes tendrán noventa (90) días para proporcionar documentación del número de seguro social cuando el solicitante esté en la parte superior de la lista de espera o se le ofrezca una unidad. (Esto no significa que la unidad disponible se mantendrá durante 90 días.) Después de noventa (90) días, si no se ha proporcionado la documentación del número de seguro social, el solicitante será considerado inelegible y será eliminado de la lista de espera. Los miembros exentos de esta política incluyen aquellos que tienen 62 años o más y que recibían asistencia federal al 31 de enero de 2010 y no tienen un número de seguro social, así como aquellos que no están disputando su estatus migratorio elegible. Si no se ha asignado un número de seguro social a un miembro exento, el solicitante deberá firmar una certificación que indique que no se ha asignado un número de seguro social a ese miembro.

Además, no se negará la ocupación por falta del número de seguro social a los hogares solicitantes con familiares menores de 6 años que hayan sido añadidos al hogar 6 meses o menos antes de la fecha de mudanza y que aún no tengan un número de seguro social asignado. Los hogares como estos tendrán 90 días a partir de la fecha efectiva de la mudanza para proporcionar la documentación del número de



seguro social del niño. Se concederán 90 días adicionales en caso de no proporcionar la documentación del número de seguro social debido a circunstancias fuera del control del hogar. Ejemplos de tales eventos incluyen, sin limitación: retrasos en el procesamiento de la solicitud del número de seguro social por parte de la Administración del Seguro Social, desastres naturales, incendios, fallecimiento en la familia, etc.

En el momento de la solicitud y para ser colocados en la lista de espera, no es necesario que los solicitantes den a conocer o provean verificación de un número de seguro social (SSN) para todos los miembros del hogar no exentos. Sin embargo, si todos los miembros del hogar no exentos omiten divulgar y/o proporcionar la verificación de sus números de seguro social en el momento en que una unidad está disponible, la oferta de la unidad disponible pasará al próximo solicitante elegible.

## **7. APERTURA Y CIERRE DE LA LISTA DE ESPERA**

La lista de espera puede cerrarse para uno o más tamaños de unidades cuando el tiempo promedio de espera es excesivo (por ejemplo, un año o más). Si la lista de espera se cierra, la Administración informará a los solicitantes potenciales que la lista de espera está cerrada y se negará a aceptar nuevas solicitudes. Además, la Administración publicará un aviso de lista de espera cerrada, especificando qué lista o listas de espera estarán cerradas por tipo de unidad y la razón del cierre, en la publicación que más probablemente vaya a ser leída por los posibles solicitantes.

Cuando la Administración decida aceptar solicitudes nuevamente, esta circunstancia se anunciará en una publicación que probablemente vaya a ser leída por los posibles solicitantes de la misma manera (si es posible, en las mismas publicaciones) en que se notificó el cierre de la lista de espera. La(s) notificación(es) incluirán las reglas para presentar la solicitud y el orden en que se procesarán las solicitudes, así como dónde y cuándo aplicar.

## **8. NO DISCRIMINACIÓN**

No se discriminará ni se segregará a ninguna persona, solicitante o residente por motivos de raza, color, religión, origen nacional, discapacidad, edad, sexo (género), estado civil o familiar, fuente de ingresos, estatus de víctima de violencia doméstica, orientación sexual o identificación de género. No se podrá rechazar solicitudes y tampoco se podrá denegar la vivienda a solicitantes y/o residentes, como tampoco estos podrán ser tratados de manera distinta a otros, ser acosados o ser desalojados de sus viviendas en función de alguno de estos criterios discriminatorios. El Arrendador deberá cumplir con todas las leyes federales, estatales y locales de no discriminación en relación con los solicitantes de vivienda.

U.S. Department of Housing and Urban Development

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

**This Package contains the following documents:**

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

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

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

### What Verification Involves

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

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

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

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

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

### Customer Protections

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

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

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

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

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

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

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

### Consequences for Not Signing the Consent Forms

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

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

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

### Programs Covered by this Fact Sheet

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

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

# Notice and Consent for the Release of Information

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

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

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

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

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

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

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

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

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

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

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

Rental Assistance Program (RAP)

Rent Supplement

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

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

Section 236

HOPE 2 Homeownership of Multifamily Units

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

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

Signatures:

Additional Signatures, if needed:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Spouse

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## Agencies To Provide Information

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

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

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

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

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

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

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

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

1099-G Statement for Recipients of Certain Government Payments

1099-DIV Statement for Recipients of Dividends and Distributions

1099 INT Statement for Recipients of Interest Income

1099-MISC Statement for Recipients of Miscellaneous Income

1099-OID Statement for Recipients of Original Issue Discount

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

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

Statement of Gambling Winnings

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

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

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

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

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

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

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

This consent form expires 15 months after signed.

**Privacy Act Statement.** The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 et. seq.); the Housing and Urban-Rural Recovery Act of 1983 (P.L. 98-181); the Housing and Community Development Technical Amendments of 1984 (P.L. 98-479); and by the Housing and Community Development Act of 1987 (42 U.S.C. 3543). The information is being collected by HUD to determine an applicant's eligibility, the recommended unit size, and the amount the tenant(s) must pay toward rent and utilities. HUD uses this information to assist in managing certain HUD properties, to protect the Government's financial interest, and to verify the accuracy of the information furnished. HUD, the owner or management agent (O/A), or a public housing agency (PHA) may conduct a computer match to verify the information you provide. This information may be released to appropriate Federal, State, and local agencies, when relevant, and to civil, criminal, or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. You must provide all of the information requested. Failure to provide any information may result in a delay or rejection of your eligibility approval.

### Penalties for Misusing this Consent:

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

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

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

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

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

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

## Instructions to Owners

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

## Instructions to Applicants and Tenants

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

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

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

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

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

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

## Purpose of Requiring Consent to the Release of Information

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

## Uses of Information to be Obtained

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

## Who Must Sign the Consent Form

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

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

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

**Failure to Sign the Consent Form**

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

**Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature & Date  
cc:Applicant/Tenant  
Owner file

**Penalties for Misusing this Consent:**

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

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

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



# RESIDENT RIGHTS & RESPONSIBILITIES



## OFFICE OF MULTIFAMILY HOUSING PROGRAMS

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



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

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

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

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

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



# YOUR RIGHTS

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

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

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

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

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



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

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

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

## **YOUR RESPONSIBILITIES**

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

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

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

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

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



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

## **YOUR RIGHT TO BE INVOLVED**

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

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

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



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

## **ELIGIBILITY FOR ENHANCED VOUCHERS**

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

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

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



## ADDITIONAL ASSISTANCE

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

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

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

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

### ON-LINE RESOURCES:

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



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



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

# FACT SHEET

## For HUD ASSISTED RESIDENTS

### Project-Based Section 8

## “HOW YOUR RENT IS DETERMINED”

Office of Housing

September 2010

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

### Why Determining Income and Rent Correctly is Important

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

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

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

### OAs' Responsibilities:

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

### Residents' Responsibilities:

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

### Income Determinations

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

### What is Annual Income?

Gross Income – Income Exclusions = Annual Income

### What is Adjusted Income?

Annual Income – Deductions = Adjusted Income

### Determining Tenant Rent



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

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

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

## **Income and Assets**

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

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

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

### **Annual Income Includes:**

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

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

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

### **Assets Include:**

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

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

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

or are held in an individual's name but:

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

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

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

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

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

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

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

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

## **Deductions:**

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

## **Reference Materials**

### **Legislation:**

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

### **Regulations:**

- General HUD Program Requirements; 24 CFR Part 5

### **Handbook:**

- 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs

### **Notices:**

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

### **For More Information:**

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

# FACT SHEET

## For HUD ASSISTED RESIDENTS

### Section 202/162 – Project Assistance Contract (PAC)

### Section 202/811 – Project Rental Assistance Contract (PRAC)

## “HOW YOUR RENT IS DETERMINED”

Office of Housing

**\*\*June 2007\*\***

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

### Why Determining Income and Rent Correctly is Important

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

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

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

#### OAs' Responsibilities:

- Obtain accurate income information

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

#### Residents' Responsibilities:

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

### Income Determinations

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

#### What is Annual Income?

Gross Income – Income Exclusions = Annual Income

#### What is Adjusted Income?

Annual Income – Deductions = Adjusted Income

### Determining Tenant Rent

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

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

**Note:** An owner may admit an applicant to the PAC program only if the Total Tenant Payment is less than the gross rent. This note does not apply to the PRAC program. In some instances under the PRAC program a

tenant's Total Tenant Payment will exceed the PRAC operating rent (gross rent).

## Income and Assets

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

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

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

### Annual Income Includes:

- Full amount (before payroll deductions) of wages and salaries, overtime pay, commissions, fees, tips and bonuses and other compensation for personal services
- Net income from the operation of a business or profession
- Interest, dividends and other net income of any kind from real or personal property (See Assets Include/Assets Do Not Include below)
- Full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount **\*\***(except for deferred periodic payments of supplemental security income and social security benefits, see Exclusions from annual Income, below)**\*\***
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay **\*\***(except for lump-sum additions to family assets, see Exclusions from Annual Income, below)**\*\***
- Welfare assistance
- Periodic and determinable allowances, such as alimony and child support payments and regular contributions or gifts received from organizations or from persons not residing in the dwelling
- All regular pay, special pay and allowances of a member of the Armed Forces (except for special pay for exposure to hostile fire)
- **\*\***For Section 8 programs only, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965,

shall be considered income to that individual, except that financial assistance is not considered annual income for persons over the age of 23 with dependent children or if a student is living with his or her parents who are receiving section 8 assistance. For the purpose of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.**\*\***

### Assets Include:

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

### Assets Do Not Include:

- Necessary personal property (clothing, furniture, cars, wedding ring, vehicles specially equipped for persons with disabilities)
- Interests in Indian trust land
- Term life insurance policies
- Equity in the cooperative unit in which the family lives
- Assets that are part of an active business
- Assets that are not effectively owned by the applicant or are held in an individual's name but:
  - The assets and any income they earn accrue to the benefit of someone else who is not a member of the household, and
  - that other person is responsible for income taxes incurred on income generated by the assets
- Assets that are not accessible to the applicant and provide no income to the applicant (Example: A battered spouse owns a house with her husband. Due to the domestic situation, she receives no income from the asset and cannot convert the asset to cash.)
- Assets disposed of for less than fair market value as a result of:
  - Foreclosure
  - Bankruptcy
  - Divorce or separation agreement if the applicant

or resident receives important consideration not necessarily in dollars.

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

- Income from the employment of children (including foster children) under the age of 18
- Payment received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone)
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
- Income of a live-in aide
- \*\*Subject to the inclusion of income for the Section 8 program for students who are enrolled in an institution of higher education under Annual Income Includes, above,\*\*The full amount of student financial assistance either paid directly to the student or to the educational institution
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- Amounts received under training programs funded by HUD
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS)
- Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program
- Resident service stipend (not to exceed \$200 per month)
- Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs and training of a family member as resident management staff
- Temporary, non-recurring or sporadic income (including gifts)

- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era
- Earnings in excess of \$480 for each full time student 18 years old or older (excluding head of household, co-head or spouse)
- Adoption assistance payments in excess of \$480 per adopted child
- Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home

### **Federally Mandated Exclusions:**

- Value of the allotment provided to an eligible household under the Food Stamp Act of 1977
- Payments to Volunteers under the Domestic Volunteer Services Act of 1973
- Payments received under the Alaska Native Claims Settlement Act
- Income derived from certain submarginal land of the US that is held in trust for certain Indian Tribes
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program
- Payments received under programs funded in whole or in part under the Job Training Partnership Act
- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians
- The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the US. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs
- Payments received from programs funded under Title V of the Older Americans Act of 1985
- Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund

established pursuant to the settlement in *In Re Agent-product liability litigation*

- Payments received under the Maine Indian Claims Settlement Act of 1980
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990
- Earned income tax credit (EITC) refund payments on or after January 1, 1991
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation
- Allowance, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990
- Any allowance paid under the provisions of 38U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran
- Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act
- Allowances, earnings and payments to individuals participating under the Workforce Investment Act of 1998

## **Deductions:**

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

## **Reference Materials**

### **Regulations:**

- General HUD Program Requirements; 24 CFR Part 5 and CFR 24 Part 891.

### **Handbook:**

- 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs

### **Notices:**

- "Federally Mandated Exclusions" Notice 66 FR 4669, April 20, 2001

### **For More Information:**

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



## RENTAL HOUSING INTEGRITY IMPROVEMENT PROJECT

# EIV & You

### ENTERPRISE INCOME VERIFICATION



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

### What is EIV?

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



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

#### The Social Security Administration:

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

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

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

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

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

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

- correctly reported your income

They will also be able to determine if you:

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

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

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

### Who has access to the EIV information?

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

### What are my responsibilities?

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



### Penalties for providing false information

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

### Protect yourself, follow HUD reporting requirements

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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



JULY 2009

Supplemental and Optional Contact Information for HUD-Assisted Housing Applicants

**SUPPLEMENT TO APPLICATION FOR FEDERALLY ASSISTED HOUSING**

This form is to be provided to each applicant for federally assisted housing

**Instructions: Optional Contact Person or Organization:** You have the right by law to include as part of your application for housing, the name, address, telephone number, and other relevant information of a family member, friend, or social, health, advocacy, or other organization. This contact information is for the purpose of identifying a person or organization that may be able to help in resolving any issues that may arise during your tenancy or to assist in providing any special care or services you may require. **You may update, remove, or change the information you provide on this form at any time.** You are not required to provide this contact information, but if you choose to do so, please include the relevant information on this form.

<b>Applicant Name:</b>	
<b>Mailing Address:</b>	
<b>Telephone No:</b>	<b>Cell Phone No:</b>
<b>Name of Additional Contact Person or Organization:</b>	
<b>Address:</b>	
<b>Telephone No:</b>	<b>Cell Phone No:</b>
<b>E-Mail Address (if applicable):</b>	
<b>Relationship to Applicant:</b>	
<b>Reason for Contact:</b> (Check all that apply)	
<input type="checkbox"/> Emergency	<input type="checkbox"/> Assist with Recertification Process
<input type="checkbox"/> Unable to contact you	<input type="checkbox"/> Change in lease terms
<input type="checkbox"/> Termination of rental assistance	<input type="checkbox"/> Change in house rules
<input type="checkbox"/> Eviction from unit	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Late payment of rent	
<b>Commitment of Housing Authority or Owner:</b> If you are approved for housing, this information will be kept as part of your tenant file. If issues arise during your tenancy or if you require any services or special care, we may contact the person or organization you listed to assist in resolving the issues or in providing any services or special care to you.	
<b>Confidentiality Statement:</b> The information provided on this form is confidential and will not be disclosed to anyone except as permitted by the applicant or applicable law.	
<b>Legal Notification:</b> Section 644 of the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992) requires each applicant for federally assisted housing to be offered the option of providing information regarding an additional contact person or organization. By accepting the applicant's application, the housing provider agrees to comply with the non-discrimination and equal opportunity requirements of 24 CFR section 5.105, including the prohibitions on discrimination in admission to or participation in federally assisted housing programs on the basis of race, color, religion, national origin, sex, disability, and familial status under the Fair Housing Act, and the prohibition on age discrimination under the Age Discrimination Act of 1975.	

Check this box if you choose not to provide the contact information.

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**Signature of Applicant**

**Date**

The information collection requirements contained in this form were submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The public reporting burden is estimated at 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Section 644 of the Housing and Community Development Act of 1992 (42 U.S.C. 13604) imposed on HUD the obligation to require housing providers participating in HUD's assisted housing programs to provide any individual or family applying for occupancy in HUD-assisted housing with the option to include in the application for occupancy the name, address, telephone number, and other relevant information of a family member, friend, or person associated with a social, health, advocacy, or similar organization. The objective of providing such information is to facilitate contact by the housing provider with the person or organization identified by the tenant to assist in providing any delivery of services or special care to the tenant and assist with resolving any tenancy issues arising during the tenancy of such tenant. This supplemental application information is to be maintained by the housing provider and maintained as confidential information. Providing the information is basic to the operations of the HUD Assisted-Housing Program and is voluntary. It supports statutory requirements and program and management controls that prevent fraud, waste and mismanagement. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

**Privacy Statement:** Public Law 102-550, authorizes the Department of Housing and Urban Development (HUD) to collect all the information (except the Social Security Number (SSN)) which will be used by HUD to protect disbursement data from fraudulent actions.