# BOUNDARY VILLAGE

## TENANT SELECTION CRITERIA

Thank you for considering **BOUNDARY VILLAGE** as your next residence**.** **BOUNDARY VILLAGE** is a multifamily housing property that provides affordable units to households earning **50%** and below the area median income in Whatcom County.

This property is funded by the HUD Section 8 program. Eligible households must qualify under the restrictive income limits and regulations set out by this program. Applicants may reference the annually published income limits for the county by contacting the Site Manager, reviewing the income limit posting in the management office, or visiting the HUD income limit dataset website.

For rental inquiries or other information, please contact us using the information below.

**Phone:** (360) 332-5646
**Fax:** (360) 332-8177
**Website:** www.viridianmgt.com
**Property Email:** bodv@viridianmgt.com
**Location:** 730 A Street Ste 1
Blaine, WA 98230

### OCCUPANCY STANDARDS

| Size | Minimum No. of Occupants | Maximum No. of Occupants |
|---|---|---|
| **1 bdr** | 1 | 3 |
| **2 bdr** | 2 | 5 |
| **3 bdr** | 3 | 7 |

### RENT

Rents are subject to change annually. Rents range from $0 to $2,050 depending on unit size and other program qualifications. Please speak to the site manager for current rental rates.

### SECURITY DEPOSIT

The security deposit is equal to the greater of one month's total tenant payment or $50.

### WAITING LIST

The waiting list is open. Applications may be submitted in person to the leasing office or via mail, email, or fax. In addition, interested parties may apply online through the property listing at **www.viridianmgt.com**. If a disability prevents you from accessing an application or submitting it through one of the above options, please contact the leasing office so a reasonable alternative method for completing and submitting your application can be determined.

### GOOD FAITH ESTIMATE

Approximate number of units currently available, or will in the foreseeable future, be available: 1 estimated unit(s) available.

EQUAL HOUSING OPPORTUNITY

Approximate number of applications previously accepted, and currently on the waiting list in consideration for those unit(s) available: 50 applications on waiting list.

**SCREENING**

Each adult must be screened for credit, criminal and eviction background checks when the application is selected from the waiting list for prospective tenancy. Landlord may obtain a consumer credit report and/or investigative consumer report which may include checking an applicant's credit, income, employment, rental history, and criminal background. This may include information as to their character, general reputation, personal characteristics and mode of living. You have the right to request additional disclosures provided under Section 606(b) of the Fair Credit Reporting Act and a written summary of your rights pursuant to Section 609 (c). You have the right to dispute the accuracy of the information provided to the Landlord by the screening company or the credit reporting agency as well as complete and accurate disclosure of the nature and scope of the investigation.

Although we are solely responsible for our rental decision, it was based in whole or in part on information contained in a tenant screening report provided to us by:

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

**1. POLICY – NONDISCRIMINATION AND ACCOMMODATIONS**

Viridian Management is committed to Fair Housing Policy and Equal Housing opportunity for prospective applicants. Viridian Management may not discriminate against an applicant because of race, color, religion, sex (gender), national origin, disabled status, familial or marital status, source of income, status as victim of domestic violence, sexual orientation, gender identification, or age. Viridian does not discriminate on the basis of disabled status in the admission or access to, treatment of, or employment in, its housing, programs or activities. Viridian complies with requirements of the Fair Housing Acts, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA) and all applicable federal, state, or local laws.

Under the provisions of Section 504 of the Rehabilitation Act of 1973, a person with a disability shall be provided with a reasonable accommodation to the extent necessary to provide such person with an opportunity to use, enjoy and occupy the apartment and apartment premises. A verification of disability as well as linking the accommodation to disability may be required. Under federal and state law, an individual is disabled if he/she has a physical or mental impairment that substantially limits one or more major life activities, including: walking, seeing, hearing, speaking, breathing, thinking, communicating, learning, performing manual tasks, and caring for oneself. Applicants should contact the manager for further clarification related to reasonable accommodations, or how to make a request for reasonable accommodation.

## 2. Application and Waiting List

All persons interested in Viridian-managed housing may request an application either in person, or through a designated individual, at the local on-site or regional designated site office during posted office hours; or request an application to be mailed by calling the local phone number listed on the cover sheet of this document. Fax requests for applications may be sent to the fax number listed on the cover sheet of this document. TTY telecommunication is available by calling the national relay number 711. It is Viridian Management's policy to assist wherever possible especially in the accommodation requests by persons with disabilities; applicants may request assistance in completing the application if necessary.

An application must be completed **in full** by the applicant. Applications may be submitted in person to the leasing office or via mail, email, or fax. In addition, interested parties may apply online through the property listing at **www.viridianmgt.com**. If a disability prevents you from accessing an application or submitting it through one of the above options, please contact the leasing office so a reasonable alternative method for completing and submitting your application can be determined. All applicants will be contacted in writing within 14 days of receipt of the application, to inform them of the status of their application. Applicants are placed on the waiting list, in order, by date and time the completed application is received.

Applicants that submit incomplete applications will be placed on the waitlist and contacted by mail with a request to complete the application in full. If the incomplete application is not returned completed within 10 days of notification, the household will be removed from the waiting list and sent notice of the removal.

Periodically, the manager will send 10-Day Waiting List Update letters out to all applicants on the waiting list to determine continued interest. Recipients of this letter have 10 days to respond. If no response is received within 10 days, the manager will send the applicant a letter to notify them that they have been withdrawn from the waiting list. Applicants that respond and wish to be removed from the waiting list will be removed and sent a letter informing them that they have been withdrawn from the waiting list.

When the manager contacts an applicant to determine continued interest, the applicant will be asked if there is anything on the application that needs to be changed. If the applicant indicates that the information provided has changed, the site manager will schedule an appointment for the applicant to update the application. The application may be updated at an in-person meeting, via email, mail, fax, or by phone. If a disability prevents you from submitting an updated application through one of the above options, please contact the leasing office so a reasonable alternative method for completing your application update to provide the necessary information changes can be determined.

Applicants sent a Notice of Available Unit may refuse to begin processing for eligibility for that unit one time. The household will be skipped for that unit, but remain on the waiting list by their original application date. Applicants that refuse the second offered unit will be sent a notice of withdrawal from the waiting list, unless the applicant can demonstrate a need to turn down the unit due to an extenuating circumstance outside of their control. Additionally, if the property has project-based rental assistance but not available to all units, the applicant may request to remain on the waiting list until a unit with rental assistance becomes available.

Finally, if notices mailed to the applicant are returned as undeliverable, management will attempt to contact the applicant by any provided phone number or email address to obtain updated mailing information. If these attempts to contact the applicant fail, the household will be withdrawn from the waiting list.

All applicants must be willing to sign a release form to authorize verification of all items contained in the application, inclusive of; all income, assets and allowances along with credit, personal and landlord references. All households must provide positive identifications, as required by the funding program related to this project, of all persons who will be part of the household. Preliminary eligibility will be satisfied by using information on the application; placement of an application on the waiting list does not denote final tenant selection. Applicants may request information concerning the current status of their application by writing or calling the local site office at the number listed on the first page of this document or the Central Office at 1(541) 426-3820.

Applicants who have indicated the need for and requested the features of an accessible unit designed to assist individuals with disabilities, and have verified the need for the features of this type of unit and meet the definition of disabled, will have priority for those units. In the event, no households apply who would benefit from the features of an accessible unit, it will be offered to a non-disabled and income-eligible person on the waiting list. In this circumstance the applicants, as tenants, will be asked to sign a lease addendum agreeing to transfer (at their own expense) to another unit should an appropriately sized unit become available, and if there are households needing the features of the accessible unit.

Any applicant who requests modifications or accommodations related to their disability to non-adapted units will have consideration on those requests when selected, but with no priority for selection.

### 3. NUMBER OF OCCUPANTS

The number of occupants residing in the unit must be in accordance with unit density standards as set forth by the Owner/Manager. In determining unit density standards, the intent of property policy is to neither overcrowd nor underutilize space. Different properties may have different density standards depending on federal or state funding for the property, bedroom sizes, unit square footage and any local ordinances and restrictions; see page one for a table of the unit density standards. The Owner/Manager may change the unit density standard during the lease term if changes in laws, ordinances or regulations make such change necessary.

Households who become under or over-housed due to changes in household composition or changes in local, state or federal ordinances or restrictions will be asked to transfer to a more suitably sized unit within 30 days should one exist at the property. If an appropriately sized unit does exist at the property and the household refuses to move to the correct sized unit, the household may remain in the unit, but will pay market rent.

The unit density standard is based on the number of persons in the household and includes all full--time members of the household, persons who are away at school but live with the applicant at recesses, unborn children or children in the process of being adopted or secured by custody action, foster children and live-in attendants. Children who live in a household 50% of the year or more are also counted; however, visitors, permanently confined/institutionalized household members and individuals on active military duty are not counted in this determination for occupancy eligibility.

A disabled applicant who would need a larger unit to accommodate a disability would be given such consideration, even if disallowed by the property unit density standard.

**4. ELIGIBILITY – GENERAL**

Applicants who meet the income/occupancy guidelines and have come to the top of the income and/or other preference lists still must meet all other eligibility criteria before being approved to move in. All applicants who are eighteen (18) years of age or older, as well as legally emancipated minors, are required to provide Management with a copy of their photo identification. Management will notify the applicant when their application is ready to be processed for residency. Applicants will receive notice that they must contact the manager within 10 days to begin processing or they will be issued a letter of withdrawal from the waiting list.

Applicants, in addition to any property program requirements, must also meet application, interview and reference criteria as defined below.

Applicants who have been rejected for occupancy will receive a letter detailing any applicable appeal rights and a description of the reasons for the rejection.

As previously stated, any application which is incomplete will not be processed if the applicant fails to respond to the incomplete application notice within 10 days of notice. An applicant who refuses to sign any release to allow the verification of all items contained in the application, including all income, assets and allowances along with credit, personal and landlord references, will be withdrawn from the waitlist and sent notice of withdrawal.

Applicants who exceed the maximum allowable income limits or unit density standards for a property, or who are found to have provided false answers on the application or at the interview, will be rejected.

Applicants who fail to come to a scheduled interview, unless there are extenuating circumstances, or who come to the interview under the influence of illegal drugs, intoxicated, or whose conduct is abusive, threatening, or disruptive will be rejected.

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

Any household if there is reasonable cause to believe that member's behavior, from abuse or pattern of abused of alcohol, may interfere with the health, safety and right to peaceful enjoyment by other residents will be rejected.

Applicants will be rejected if it is determined that their presence or the presence of any of their household members would create an unsafe environment.

Total monthly unit rent should not exceed 50% of the household's net income (income after withholdings required by law or as a condition of employment). Food stamps will be included in the household income for this calculation. This requirement is waived if a portion of the rent will be paid by a rental subsidy. Applicants should contact the property manager if further explanation is required.

Applicants who wish to be a tenant or co-tenant must possess the legal capacity to sign all documents unless an accommodation determination for the individual to allow a guardian signature, if otherwise eligible, is made.

**5. ELIGIBILITY – CRIMINAL HISTORY**

Upon receipt of the Rental Application and screening fee (if applicable), Landlord will conduct a search of public records to determine whether applicant or any proposed resident or occupant has a "Conviction" (which means: charges pending as of the date of the application; a conviction; a guilty plea; or no contest plea), for any of the following crimes: drug related crime; person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of residents, the landlord or the landlord's agent. Landlord will not consider a previous arrest that did not result in a Conviction or expunged records.

If applicant, or any proposed occupant, has a Conviction in their past which would disqualify them under these criminal conviction criteria, and desire to submit additional information to Landlord along with the application so Landlord can engage in an individualized assessment (described below) upon receipt of the results of the public records search and prior to a denial, applicant should do so. Otherwise, applicant may request the review process after denial as set forth below, however, see item (c) under "Supplemental Evidence Individualized Assessment Review Process" below regarding holding the unit.

A single Conviction for any of the following, subject to the results of any review process, shall be grounds for denial of the Rental Application.

a. Felonies involving: murder, manslaughter, arson, rape, kidnapping, child or other violent/predatory sex crimes or manufacturing or distribution of a controlled substance.
b. Felonies not listed above involving: drug-related crime; person crime; sex offense; crime involving financial fraud, including identity theft or forgery; or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord's agent, where the date of disposition has occurred in the last seven (7) years.
c. Misdemeanors involving: drug-related crimes, person crimes, sex offenses, domestic violence, violation of a restraining order, stalking, weapons, criminal impersonation, possession of burglary tools, financial fraud crimes, where the date of disposition has occurred in the last five (5) years.
d. Misdemeanors not listed above involving: theft, criminal trespass, criminal mischief, property crimes or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or landlord's agent, where disposition has occurred in the last three (3) years.
e. Conviction of any crime that requires lifetime registration as a sex offender, or for which applicant is currently registered as a sex offender, will result in denial.

**Supplemental Evidence Individualized Assessment Review Process**

Landlord will engage in an individualized assessment of the applicants, or other proposed occupants, Convictions if applicant has satisfied all other criteria (the denial was based solely on one or more Convictions) as required by local, state and federal law, and:

a. Applicant has submitted supporting documentation prior to the public records search; or
b. Applicant is denied based on failure to satisfy these criminal criteria and has submitted a written request along with supporting documentation. Supporting documentation may include:
    i. Letter from parole or probation office;
    ii. Letter from caseworker, therapist, counselor, etc.;
    iii. Certifications of treatments/rehab programs;
    iv. Letter from employer, teacher, etc.
    v. Certification of trainings completed;
    vi. Proof of employment; and
    vii. Statement of the applicant.

Landlord will also perform an individualized assessment if no supplemental information is received as required by any local, state or federal law. Landlord will:

a. Consider relevant individualized evidence of mitigating factors, which may include: the facts or circumstances surrounding the criminal conduct; the age of the convicted person at the time of the conduct; time since the criminal conduct; time since release from incarceration or completion of parole; evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct; and evidence of rehabilitation efforts. Landlord may request additional information and may consider whether there have been multiple Convictions as part of this process.
b. Notify applicant of the results of Landlord's review within a reasonable time after receipt of all required information.
c. Hold the unit for which the application as received for a reasonable time under all the circumstances to complete the review unless prior to receipt of applicant's written request (if made after denial) the unit was committed to another applicant.

**6. ELIGIBILITY – CREDIT HISTORY**

To determine eligibility, credit history will be reviewed; however, lack of credit history will not be cause for denial. Credit reports containing unpaid utility collections or judgements (at properties with tenant paid utilities) or other housing-related debt will be cause for denial. Cable, cell phone, and internet debts are not considered utility or housing related expenses.

If you can provide proof of extenuating circumstances around specific debts, or can demonstrate actively working on debt resolution goals, it will be taken into consideration during the application review process.

**7. ELIGIBILITY – PUBLIC RECORDS AND RENTAL REFERENCES**

Third party rental history will be verified. Please provide references that can be contacted. Lack of rental history will not be cause for denial. Some applicants may have no previous, or current, rental or credit references, but can still offer personal non-related references. Public records or rental history, including but not limited to, the following may be grounds for rejection of your rental application:

a) Eviction from a residence within the past five years. Please note that evictions, unpaid rent (including rent reflected in judgments) or referrals of debt to a collection agency that accrued on or after April 1, 2020 and before March 1, 2022 will not be considered.

b) Any household containing member(s) who was evicted in the last three years from federally assisted housing for drug related criminal activity are prohibited from admission.

c) Rental references which indicate the applicant caused significant damage to the unit, vacated the unit owing rent, were late paying their rent on three or more occasions within one year, caused disturbances at the rental on more than one occasion, or maintained their unit in an unsanitary condition.

d) References indicating the applicant used the rental for illegal activities or were found in non-compliance of their lease agreement on three or more occasions during the tenancy.

Applicants should be honest and disclose any information that may provide further context for an eviction, including past extenuating circumstances such as job loss and/or major medical. Successful completion of an approved second chance renters program, or proving circumstances that led to an eviction no longer exist, will be taken into consideration during the application review process.

Any rejection would be issued in a written statement to the applicant with notification of Grievance and Appeal rights, when applicable.

## 8. TRANSFER POLICY

Current tenants requiring an internal unit transfer for the following reasons will be logged on an in-house transfer waitlist and given preference for appropriate units over those on the applicant waitlist and the in-house transfer waitlist. Households with the need for a fully adapted, accessible unit, an approved Reasonable Accommodation, and those transferring under the protections of the Violence Against Women Act (VAWA) are given priority on the in-house transfer waitlist. Tenants must be pre-approved to transfer, and must meet tenant selection criteria, occupancy standards and program regulation, as applicable, to the desired unit.

1. Accessible unit available and resident requesting a transfer, who does not live in an accessible unit, needs the features of the accessible unit.
2. Verified need for a Reasonable Accommodation/medical need.
3. Approved VAWA Emergency Internal Transfer.
4. Household(s) who are under/over housed.

Current tenants requesting a unit transfer for any other reason that unit occupancy standard, reasonable accommodation, and VAWA protections will be added to the transfer waiting list and selected in order by date of request, after those with the priorities listed above are appropriately housed. Tenants must be pre-approved to transfer, and must meet tenant selection criteria, occupancy standards and program regulation as apply to the desired unit. In some cases, the household may be required to establish program and income eligibility for the desired unit if certain funding sources exist. Consideration and approval of transfer requests will be based on the following criteria, in addition to any funding requirements:

a) Household must have been in residency at the property for at least one year;
b) Tenants must be in good standing. Rent and other charges must be current and rental payment history is positive;
c) Housekeeping history is satisfactory, and tenants have a positive tenancy record without ongoing or egregious lease violations.

Upon notification of an available unit, a tenant may refuse an apartment twice. In the event that a tenant refused an apartment a third time, the individual will be removed from the in-house transfer list and the request denied for that reason.

**9. RENTERS INSURANCE**

Viridian Management strongly encourages that all tenants have a renter's insurance policy in effect for their lease term. If a tenant declines to obtain a renters insurance policy, the tenant agrees to hold the Landlord/Owner or any representative of the Landlord Owner harmless of any damage, theft, or loss that may occur to the tenant's personal possessions while leasing the unit. Renter's Insurance is recommended, but not required.

**10. VAWA-VIOLENCE AGAINST WOMEN ACT**

That an applicant is or has been a victim of domestic violence, sexual assault, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for admission.

In determining eligibility for housing in cases where the Agent, acting on behalf of the Project Owners, has become aware that the household includes a victim of domestic violence, sexual assault, dating violence or stalking, and when screening reveals negative and potentially disqualifying information, such as poor credit history, previous damage to an apartment, or a prior arrest, inquiries will be made regarding the circumstances contributing to this negative history, to ascertain whether these past events were the consequence of domestic violence, sexual assault, dating violence, or stalking against a member of the applicant household.

Any such inquiries will make clear that members of applicant households have a right to keep any history of domestic violence, sexual assault, dating violence, or stalking against them confidential.

When inquiries reveal that the negative history was the consequence of domestic violence, sexual assault, dating violence, or stalking against a member of the applicant household, the applicant household will not be denied housing assistance on the basis of this reporting, provided that the perpetrator of domestic violence, sexual assault, dating violence, or stalking is not a member of the applicant household.

The Agent may ask for documentation establishing that the negative history was the consequence of domestic violence, sexual assault, dating violence, or stalking. The applicant shall have fourteen business days (i.e. weekends and holidays will not count in determining the deadline) to provide such documentation. The Agent may grant extensions to the fourteen-day-deadline if the applicant demonstrates good cause. The applicant can satisfy the documentation requirement in any of the following ways:

1) Completing a certification form verifying that the individual is a victim of domestic violence, sexual assault, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. Such certification shall include the name of the perpetrator, if it is known; OR

2) Providing documentation signed by any of the following third parties:
    a) an employee, agent, or volunteer of a victim service provider;
    b) an attorney;
    c) a medical professional; or
    d) other knowledgeable professional.

    The person signing the documentation must have assisted the victim in addressing domestic violence, sexual assault, dating violence, or stalking, or the effects of the abuse. The person signing the documentation must attest under penalty of perjury to his or her belief that the incident or incidents in question are bona fide incidents of abuse. The victim of domestic violence, sexual assault, dating violence, or stalking must also sign the documentation; OR

3) Producing a Federal, State, tribal, territorial, or local police or court record.

All denial of assistance letters will notify applicants of VAWA's protections and that they may seek an informal review if they believe that the denial of assistance was related to acts of domestic violence, sexual assault, dating violence, or stalking committed against the applicant.

If because of safety concerns a victim of domestic violence, sexual assault, dating violence, or stalking is unwilling or unable to provide information or identification ordinarily required to confirm eligibility, efforts will be made to otherwise establish eligibility and alternative sources and methods of verification will be accepted.

In accordance with the owner/agent's Emergency Transfer Plan for victims of domestic violence, sexual assault, dating violence, and stalking, current tenants of the Agent seeking an external emergency transfer to this property will be granted priority status on the applicable waiting list(s) for the next available, suitable unit. This is subject to unit availability. This priority does not override eligibility requirements but does elevate the applicant's placement compared to general applicants. This priority is designed to ensure the safety and well-being of victims of domestic violence, sexual assault, dating violence, or stalking while still complying with fair housing and occupancy requirements.

## 11. PREFERENCES

This property has one or more waiting list preferences, which means that priority placement is given to applicants who qualify for a specific preference category. Applicants that meet one or more of the preferences will receive the first opportunity to qualify for available units, and may skip over applicants on the waiting list that do not qualify for any preference. The following list preference or preferences apply to the waitlist at this property:

a) Households Displaced by Government Action or Natural Disaster. Households or individuals that are forced to move from their home as a result of federal, state, or local government action, or if the household or individual was forced to move from their home as a result of a federally declared natural disaster such as a fire or flood.

## 12. NON-DISCRIMINATION

No person, applicant or resident shall be discriminated against or segregated on the basis of race, color, religion, national origin, disability, age, sex (gender), familial or marital status, source of income, status

as victim of domestic violence, sexual orientation or gender identification. Applications may not be rejected, and applicants and/or residents may not be denied housing, treated differently than others, harassed, or evicted from housing based on any of these discriminatory criteria.

To report a fair housing complaint, please contact:

Washington State Human Rights Commission
711 S. Capitol Way, Suite 402
Olympia, WA 98504-2490
www.hum.wa.gov
360-753-6770
800-233-3247
TTY 800-300-7525

Alternatively, you may contact:

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; or (800) 877-0246

Additionally, complaints can be filed through the online portal:
https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action

**HUD SELECTION CRITERIA**

This document is intended to be an addendum to the Tenant Selection Criteria. It explains additional selection criteria based on requirements posed to the owner/agent by state and/or federal regulations due to funding used in the construction, acquisition and/or rehabilitation of the project.

Applicants who do not meet HUD income limits will be rejected (see page one of the Tenant Selection Criteria for more information).

Where there is layered funding at a project and conflicting tenancy criteria, the most restrictive standards will be used.

**1. STUDENTS**

1. Student eligibility is determined at move in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All students are required to report any change in their student status.
2. For the Section 8 program, assistance shall ***not*** be provided to any individual who:

    a. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;

b. Is under the age of 24;
c. Is not married;
d. Is not a veteran of the United States Military;
e. Does not have a dependent child;
f. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of *November 30, 2005.*
g. Is not living with his or her parents who are receiving Section 8 assistance; and
h. Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

1. For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While owners may use additional criteria for determining the student's independence from parents, owners must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:
   a. Be of legal contract age under state law;
   b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student;
   c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
   d. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

2. Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All students are required to report any change in their student status.

3. A student who is enrolled as either a part time or full-time student at an institute of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential ***will*** be eligible for assistance if the student meets all other eligibility requirements, meets screening criteria requirements and:
   a. Is living with his or her parents/guardian or;
   b. Is at least 24 years old or;
   c. Is married or;
   d. Is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes or;
   e. Has legal dependents other than a spouse or;
   f. Is a person with disabilities who was receiving Section 8 assistance as of November 20, 2005;
   g. Is a graduate or professional student or;
   h. Is an independent student, defined as an individual who is:
      i. 24 or older by 12/31 of the award year

ii. An orphan, in foster care, or a ward of the court or was at any time when the individual was 13 years of age or older
iii. Is or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individuals State of Legal residence;
iv. Is a veteran of the Armed Forces or is currently serving on active duty other than training purposes
v. Is a graduate or professional student
vi. Is married
vii. Has legal dependents
viii. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
ix. independence
x. Has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (defined by section 725 of the McKinney-Vento Homeless Assistance Act), or at risk of homelessness, by:
    1. A local educational agency homeless liaison; or
    2. Director, or designee, of a program funded under the Runaway and Homeless Youth Act; or
    3. Director, or designee, of a program funded under Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act; or
    4. A financial aid administrator

i. Has parents who are income eligible for the Section 8 program; or
j. Student resides with their parents in a Section 8 assisted unit or who resides with parents who are applying to receive Section 8 assistance.

4. Any financial assistance a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:
    a. If the student is over the age of 23 with dependent children or
    b. If the student is living with his or her parents who are receiving Section 8 assistance

5. Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

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

7. Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

8. Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance, prorated assistance, or temporary deferral of termination of assistance. This prohibition applies to the noncitizen student's

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

**2. INCOME TARGETING**

At least forty percent (40%) of all new admissions during each fiscal year will be rented to households whose incomes do not exceed thirty percent (30%) of the Area Median Income (AMI) at the time of initial occupancy (Extremely Low Income households).

The waiting list is maintained in chronological order by application date. Applicants are selected from the waiting list in the order of their application date, except when it is necessary to skip applicants to achieve compliance with HUD income-targeting requirements.

When necessary to achieve the required annual admission of at least 40% Extremely Low Income households, management may skip over applicants whose incomes exceed 30% of AMI in order to select an Extremely Low Income applicant.

Applicants who are skipped for income-targeting purposes will not be removed from the waiting list or lose their place on the waiting list. Their application will remain active and retain its original application date and waiting list position. Once selecting the applicant will not prevent the property from meeting the required annual Extremely Low Income admission target, the applicant will again be considered for selection in chronological order based on application date.

Management will review admissions on at least a quarterly basis to monitor compliance with income-targeting requirements. If the required percentage of Extremely Low Income admissions has not been achieved and there are no Extremely Low Income applicants on the waiting list, management will conduct affirmative outreach and advertising efforts to attract Extremely Low Income households, in accordance with fair housing and affirmative marketing requirements.

**3. EIV SCREENING**

Each applicant, or any member of the applicant's household, at the time of being selected from the wait list will have their social security number run against the HUD Enterprise Income Verification (EIV) system Existing Tenant Search. The EIV Existing Tenant Search will be used to ensure that applicants to the property are not already receiving a federal housing subsidy. Applicants are not eligible for admission while receiving a federal housing subsidy elsewhere.

**4. CRIMINAL SCREENING**

Each applicant, or any adult member of the applicant's household, at the time of being selected from the waiting list will have their name, date of birth, and social security number ran through the lifetime sex offender registry check. Applications containing a household member who is subject to, or whose name is contained in any federal, state or local sex offender registry will be rejected.

## 5. CITIZENSHIP

By law, only U.S. citizens and eligible noncitizens may benefit from federal rental assistance. In order to comply with these laws, assistance will not be provided for members who are not U.S. Citizens or Nationals, or for non-citizens that do not have eligible immigration status. All family members, regardless of age, must declare their citizenship or immigration status. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application and will be verified through the U.S. Immigration & Customs Enforcement, Systematic Alien Verification for Entitlements (SAVE) Program.

## 6. DISCLOSURE OF SOCIAL SECURITY NUMBER

Applicants must disclose social security numbers in order for an eligibility determination prior to admission. Applicants will have ninety (90) days to provide documentation of SSN at the time the applicant is at the top of the waiting list or offered a unit. (This does not mean the available unit will be held for 90 days.) After ninety (90) days, if SSN documentation has not been provided, the applicant will be determined ineligible and removed from the waiting list. Members exempt from this policy include those who are 62 years of age or older and who were receiving federal assistance as of January 31, 2010 and without an SSN, and those who are not contending eligible immigration status. If no social security number has been assigned to an exempt member, the applicant must sign a certification stating that no social security number has been assigned to that member.

Additionally, applicant households with applicant family members under the age of 6 and was added to the household 6 months or less from the move-in date, who do not yet have a Social Security Number assigned to him/her will not be denied occupancy for lack of SSN. Households such as these will have 90-days from the effective date of move-in to provide SSN documentation for the child. An additional 90-days will be granted in the event of failure to provide the documentation of a SSN due to circumstances that are outside the control of the household. Examples of such an event include, but are not limited to: delayed processing of the SSN application by the Social Security Administration, natural disaster, fire, death in the family, etc.

Applicants do not need to disclose or provide verification of a Social Security Number (SSN) for all non-exempt household members at time of application and for placement on the waiting list. However, if all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant will be offered the available unit.

## 7. OPENING AND CLOSING OF THE WAITING LIST

The waiting list may be closed for one, or more unit sizes when the average wait is excessive (e.g., one year or more). If the waitlist will be closed, Management will advise potential applicants that the waiting list is closed and refuse to take additional applications. Additionally, Management will publish a notice of closed waitlist, specifying which waitlist(s) will be closed by unit type and the reason for closure, in a publication most likely to be read by potential applicants.

When Management decides accept applications again, notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same

publications) as the notification that the waiting list was closed. The notification(s) will include the rules for applying and the order in which applications will be processed, as well as where and when to apply.

## 8. NON-DISCRIMINATION

No person, applicant or resident shall be discriminated against or segregated on the basis of race, color, religion, national origin, handicap, age, sex (gender), familial or marital status, source of income, status as victim of domestic violence, sexual orientation, gender identification or veteran/military status. Applications may not be rejected, and applicants and/or residents may not be denied housing, treated differently than others, harassed, or evicted from housing based on any of these discriminatory criteria. Landlord shall follow all federal, state and local non-discrimination law as it relates to applicants for housing.

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)**

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

**HUD-9887/A Fact Sheet**

# 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

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)

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

| 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.): |
|---|---|---|
| | | |

**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 verity 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 Barters 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 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.

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.

### ON-LINE RESOURCES:

- Department of Housing and Urban Development website: 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/fheo/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 of 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:
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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 of 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

U.S. Department of Housing and Urban Development
Office of Housing • Office of Multifamily Housing Programs

RHIIP

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?

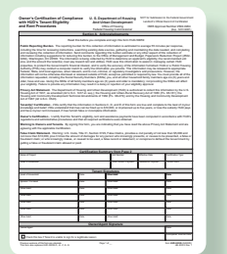
Yes. When you sign form HUD-9887, Notice and Consent for the Release of Information, and form HUD-9887-A, Applicant's/Tenant's Consent to the Release of Information, you are giving your consent for HUD and the property owner or manager to obtain information about you to verify your employment and/or 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.

EQUAL HOUSING OPPORTUNITY

**JULY 2009**

OMB Control # 2502-0581
Exp. (02/28/2019)

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.

| | |
|---|---|
| **Applicant Name:** | |
| **Mailing Address:** | |
| **Telephone No:** | **Cell Phone No:** |
| **Name of Additional Contact Person or Organization:** | |
| **Address:** | |
| **Telephone No:** | **Cell Phone No:** |
| **E-Mail Address (if applicable):** | |
| **Relationship to Applicant:** | |

**Reason for Contact:** (Check all that apply)

- ☐ Emergency
- ☐ Unable to contact you
- ☐ Termination of rental assistance
- ☐ Eviction from unit
- ☐ Late payment of rent
- ☐ Assist with Recertification Process
- ☐ Change in lease terms
- ☐ Change in house rules
- ☐ Other: _____

**Commitment of Housing Authority or Owner:** 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.

**Confidentiality Statement:** The information provided on this form is confidential and will not be disclosed to anyone except as permitted by the applicant or applicable law.

**Legal Notification:** 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.

| | |
|---|---|
| | |

**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.