

RESIDENT SELECTION PLAN and WAITING LIST POLICIES FOR AGENCY OWNED PROPERTIES

**SOUTHEAST KANSAS COMMUNITY ACTION PROGRAM, INC.
SOUTHEAST KANSAS COMMUNITY ACTION PROGRAM HOUSING, INC.
(Aka SEK-CAP., SEK-CAP HOUSING, Inc. and/or Agency)**

FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS STATEMENTS OF NONDISCRIMINATION

It is the policy of this Agency to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 12259, Section 504 of the Rehabilitation Act of 1973, Fair Housing Amendments Act of 1988, the Quality Housing and Work Responsibility Act of 1998, the Age Discrimination Act of 1975, the Violence Against Women Act and Department of Justice Reauthorization Act of 2005, Public Law 109-162 (VAWA) and any/all applicable legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted.

The Agency shall not discriminate because of race, color, sex, familial status, religion, age, handicap, disability, or national origin in the leasing, rental or other disposition of housing in any of the following:

- a) Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs,
- b) Subject a person to segregation or disparate treatment,
- c) Restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- d) Treat a person differently in determining eligibility or other requirements for admission,
- e) Deny a person access to the same level of services, or
- f) Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

The Agency will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, the Agency will make reasonable accommodations for individuals with handicaps or disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services.

In reaching a reasonable accommodation with, or performing structural modification for otherwise a qualified individual with disabilities, the Agency is not required to:

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

VIOLENCE AGAINST WOMEN ACT (VAWA) REQUIREMENTS

The Violence Against Women Act (VAWA) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

VAWA does not take precedence over any provision of federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, sexual assault, or stalking.

The PHA will provide the Notice of Occupancy Rights Under the Violence Against Women Act (form HUD-5380), along with the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (form HUD-5382) to each adult applicant and participant. The VAWA Notice of Occupancy Rights and Certification form will be provided, at minimum, in person or by mail, each of the following times:

For applicants:

- At the time the individual is provided assistance or admission; and
- At the time the applicant is denied assistance or admission.

For tenants:

- With any PHA notification of eviction or termination of assistance; and
- By December 16, 2017, either during the PHA annual recertification or lease renewal process (as applicable). If there will be no recertification or lease renewal during the first year as determined by the PHA.

The Notice and form HUD-5380 will also be made available on the SEK-CAP website and upon request. The PHA will make the VAWA Notice of Occupancy Rights available in multiple languages, when appropriate and necessary, consistent with guidance issued by HUD in accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency).

PHAs are not required to demand official documentation or physical proof of domestic violence, dating violence, sexual assault, or stalking before granting an alleged victim any of the special protections afforded by VAWA.

SEK-CAP will request the applicant or participant submit one of the following types of documentation within 14 days after the date that the individual received the written request for documentation:

- A signed HUD-5392
- A document signed by a “professional” and the applicant or participant that specifies that the professional believes that the occurrence is grounds for VAWA protections
 - o A “professional” can be an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, a mental health professional, or another knowledgeable professional
- Federal, state, tribal, territorial, or police or court records
- A statement or other evidence provided by the individual, at the PHA’s discretion, if one of the above-mentioned options cannot be provided by the applicant or participant.

The PHA may extend the 14-day deadline at its discretion. SEK-CAP will consider factors that may contribute to the victim’s inability to provide the documentation in a timely manner. These factors may include, but are not limited to: cognitive limitations, disabilities, limited English proficiency, absence from the unit due to hospitalization or time in an emergency shelter, administrative delays in obtaining police or court records, the danger of further violence, and the victim’s need to address health or safety issues. SEK-CAP will also grant reasonable accommodations for persons with disabilities.

SEK-CAP will acknowledge receipt of documentation provided by a victim of domestic violence, dating violence, sexual assault, or stalking within seven (7) business days.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation, or within the designated extension period, SEK-CAP may:

- Deny admission by the applicant or tenant to the housing or program;
- Deny assistance under the covered housing program to the applicant or tenant;
- Terminate the participation of the tenant in the covered housing program; or
- Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual’s failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual’s right to challenge the denial of assistance or termination, nor does it preclude the individual’s ability to raise an incident of domestic violence, dating violence, sexual assault, or

stalking at eviction or termination proceedings. If the PHA denies VAWA protections, it must still follow its established procedures for grievance hearings, informal hearings, or informal reviews.

Individuals requesting protection cannot be required to provide additional third-party documentation, although the PHA may require third-party documentation under the following circumstances:

- More than one applicant or tenant provides documentation to show they are victims of domestic violence, dating violence, sexual assault or stalking, and the information in one person's documentation conflicts with the information in another person's documentation; or
- Submitted documentation contains information that conflicts with existing information already available to the PHA or owner.

In these circumstances, the regulations at 24 CFR 5.2007(b)(2), allow a PHA or owner to require the applicant(s) or tenant(s) to submit third-party documentation that meets the criteria in 24 CFR 5.2007(b)(1)(ii), (b)(1)(iii), or (b)(1)(iv). According to the criteria, the applicant or tenant may submit any of the following to meet the third-party documentation request:

1. A document:
 - a. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
 - b. Signed by the applicant or tenant; and
 - c. That specifies, under penalty or perjury, that the professional believes in the occurrence of the incident of domestic violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
2. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency (for example, a police report) that documents the incident of domestic violence, dating violence, sexual assault, or stalking.
3. At the discretion of the covered housing provider, a statement or other evidence provided by the applicant or tenant, when one of the above mentioned options cannot be provided by the applicant or participant.

The applicant(s) or tenant(s) must be given 30 calendar days from the date of the request to provide such documentation. If an applicant or tenant responds with third-party documentation that meets the criteria above and supports the applicant or tenant's VAWA request, the PHA or owner is prohibited from requiring further documentation of the applicant or tenant's status as a victim of domestic violence, dating violence, sexual assault, or stalking. However, if an applicant or tenant does not submit any third-party documentation within the required time period or submits documentation that does not meet the criteria above, the PHA or owner may, but is not required to, accept that applicant or tenant's assertion of victim status for the purpose of the VAWA protections.

VICTIM CONFIDENTIALITY

The VAWA Final Rule clarified that any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in confidence by the covered housing provider.

- a. Employees of the PHA or owner (or those who administer assistance on their behalf, (e.g., contractors) must not have access to the information unless explicitly authorized by the PHA or owner for reasons that specifically call for these individuals to have access to such information under applicable Federal, State, or local law (e.g., the information is needed by a PHA employee to provide the VAWA protections to the victim); and
- b. The PHA or owner must not enter this information into any shared database, or disclosed this information to any other entity or individual (e.g. a prospective owner of participant's unit), except to the extent that disclosure is:
 - 1) Requested or consented to in writing by the individual in a time-limited release;
 - 2) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
 - 3) Otherwise required by applicable law.

When communicating with an applicant, participant, or tenant who has requested VAWA protections, the covered housing provider must take precautions to avoid inadvertent disclosure of confidential information to another individual or entity in violation of 24 CFR 5.2007(c). Unless given permission from the victim to do so, the PHA or owner must not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or the domestic violence, dating violence, sexual assault, or stalking (e.g., asking the victim to come to the PHA office to pick up the form HUD-5382) on the victim's voicemail system or with other individuals, including members of the victim's household. SEK-CAP may request the victim to designate a point of contact for communications.

If the victim gives the PHA or owner permission to contact them about the domestic violence, dating violence, sexual assault, or stalking via mail, voicemail system, electronic mail, or other method approved by the victim, permission should be granted in writing, if possible. If it is not feasible for the victim to provide the permission in writing, the PHA or owner may make a note in the victim's file about which forms of communication with the victim have been approved by the victim. The written permission or other notation must be kept confidential.

When discussing these matters directly with the victim, SEK-CAP must take reasonable precautions to ensure that no one can overhear the conversation.

In the case of an Emergency Transfer or Lease Bifurcation due to an incident of domestic violence, dating violence, sexual assault, or stalking, assistance will be terminated for the perpetrator, as described in PIH Notice 2017-08. Upon request of the family, a perpetrator of domestic violence, dating violence, sexual assault, or stalking will be allowed to rejoin the household if they meet the eligibility criteria outlined in this Housing Administrative Plan. The household must request that the landlord add the perpetrator to the lease agreement. SEK-CAP will verify all approved household members with the landlord prior to approving any new household members for rental assistance. If the perpetrator is determined ineligible, the family will be notified in writing, and the perpetrator will not be approved to reside in the unit receiving rental assistance.

EMERGENCY TRANSFER PLAN

SEE APPENDIX A FOR THE EMERGENCY TRANSFER PLAN.

PRIVACY POLICY

It is the policy of the Agency to guard the privacy of individuals as conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the Agency.

Therefore, neither the Agency nor its agents shall disclose any personal information contained in its records to any person or entity unless the individual about whom information is requested shall give written consent to such disclosure. Disclosure of such information to Law Enforcement personnel in response to a request based on an investigation may be an exception to this policy, if not specifically prohibited by applicable regulation.

This Privacy Policy in no way limits the Agency's ability to collect such information it may need to determine eligibility, compute rent or determine an applicant's suitability for tenancy.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner.

GENERAL RESIDENT SELECTION CRITERIA

Based on Federal, State of Kansas and/or other applicable program regulations, the Agency may not admit ineligible applicants. In the selection of applicants for admission, Eligibility Criteria has been established in accordance with applicable program guidelines. All applicants will be screened carefully and the following eligibility standards will be applied:

All eligible households for assisted programs are defined as those with head of households 18 years of age or older (unless the head is an emancipated minor), meet SEK-CAP Housing, Inc.'s occupancy standard of one (1) person per bedroom minimum and two (2) persons per bedroom maximum (unless a reasonable accommodation is in order – at such a time approval is to be granted at the discretion of the Program Director, based on program policies) in addition to the criteria established by the Department of Housing and Urban Development (HUD) Kansas Housing Resources Corporation (KHRC) and/or other applicable agency or program regulations, which would include but not be limited to, income limits, family composition, etc. An eligible household may or may not qualify for housing through SEK-CAP Housing, Inc., depending upon information disclosed during the agency's screening process.

Applicants and tenants must meet the following requirements to be eligible for occupancy and housing assistance:

- 1) The family's annual income must not exceed program income limits (Program income guidelines will be provided upon request).
 - 2) All adults in each applicant family must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter. Failure to comply with the initial, interim or the annual recertification process will result in denial of application, termination of assistance and/ or termination of tenancy.
 - 3) All consent and verification forms must be signed by:
 1. The head of household (regardless of age);
 2. The spouse or co-head of household (regardless of age); and
 3. Any other family member who is 18 years old or older.
- NOTE: When a family member turns 18 years of age between annual re-certifications, they will be asked to sign all required consent forms so the PHA can run applicable EIV Income Reports and determine if an interim re-certification should be completed. The PHA will run quarterly reports using program software to identify tenants who will turn 18 prior to the household re-certification date.
- 4) The unit for which the family is applying must be the family's only residence.
 - 5) An applicant must agree to pay the rent required by the program.
 - 6) Only U.S. citizens or eligible non-citizens may receive rental assistance.
 - 7) All information reported by the family is subject to verification.
 - 8) Applicants must meet certain program related restrictions at Sun Crest View Apartments in Weir. Families must be considered "elderly" and/or "disabled", as defined in HUD Handbook 4350.3, REV-1, pages 3-51 and 3053. The head of household, co-head, or spouse must be at least 62 years of age and/or disabled, as defined in HUD Handbook 4350.3 REV-1, Definition H, page 3-51. Or, if an age waiver is in effect, it allows for the restriction to include persons aged 55 or older. Duplexes in Cherokee are intended for use by residents aged 55 or older and/or disabled individuals.
 - 9) Various subsidy or insurance requirements may impose additional occupancy restrictions.
 - 10) Must have a Social Security Number for each household member. If no Social Security Number has been assigned, they must sign a certification stating this and seek to obtain a Social Security Number, unless the household member qualifies for an exemption.
 - 11) Must not have a criminal background that reflects the following Criminal Activity:
 - a) Eviction for Drug Related Criminal Activity: the applicant or any household member can not have been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.
 - b) Illegal Drug Use: the applicant or any household member may not be currently engaged in illegal use of a drug or show a pattern of illegal use that may interfere with the health safety, or right to peaceful enjoyment by other residents, the application will be rejected.
 - c) Alcohol Abuse: the applicant or any household member's abuse, or show pattern of abuse, of alcohol that interferes with the health, safety or right to peaceful enjoyment of the premises by the residents.
 - d) Sex Offenders: the applicant or any household member may not have a conviction or adjudication other than acquittal, for any sexual offense.

STUDENT ELIGIBILITY REQUIREMENTS UNDER SECTION 8 OF THE U.S. HOUSING ACT OF 1937 & 81 FR 64932

SEK-CAP must determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.

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

NOTE: Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance and the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.

2. 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 by meeting the following criteria:
 - i. Be at least 24 years old by December 31 of the award year for which aid is sought;
 - ii. Be an orphan or a ward of the court through the age of 18;
 - iii. Be a veteran of the U.S. Armed Forces;
 - iv. Have legal dependents other than a spouse (for example, dependent children or parent);
 - v. Be a graduate or professional student; or
 - vi. Be married.
 - 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.
3. 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.
4. 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.

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.
5. Income Determination as defined in Section 327(b):

Financial assistance, in excess of amounts received for tuition that an individual receives under The Higher Education Act of 1965, from private sources, or from an institution of higher education is considered income for that individual, except for persons over the age of 23 with dependant children.

6. The Eligibility of Students for Assisted Housing under Section 8 of the U.S. Housing Act of 1937 does not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to receive section 8 assistance. Since the regulations do not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to receive section 8 assistance, any financial assistance in excess of tuition would not be included in annual income. The financial assistance would continue to be excluded from annual income under 5.609(c)(6).
7. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at annual recertification to determine rent.
8. If an applicant family has a family member who is an ineligible student, the family would be ineligible for Section 8 assistance and would not be eligible to move in and pay market rent without HUD approval.

CITIZENSHIP REQUIREMENTS

To be eligible for admission, an applicant must meet the following citizenship requirements:

- 1) Assistance in subsidized housing is restricted to the following:
 - a. U.S. Citizens or nationals; and
 - b. Non-citizens who have eligible immigration status.
- 2) All applicants for assistance must be given notice of the requirements to submit evidence of citizenship or eligible immigration status at the time of application. Applicants will be supplied with a Family Summary Sheet to list all family members who will reside in the assisted unit. If you have any questions about completing the forms, please contact the management office.
- 3) All family members listed on the Family Summary Sheet, regardless of age, must declare their citizenship or immigration status on the Declaration form (including the person completing the Summary Sheet). A Declaration form will be provided for each household member listed on the Family Summary Sheet. If you have any questions about completing the forms, please contact the management office.
- 4) The owner must obtain the following documentation for each family member regardless of age:
 - a. U.S. citizens, a signed declaration of citizenship.
 - b. Non-citizens 62 years and older, a signed declaration of eligible non-citizen status and proof of age;
 - c. Non-citizens under the age of 62 claiming eligible status: A signed declaration of eligible immigration status; A signed consent form; and on of the DHS-approved documents.
 - d. Non-citizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance.
 - e. Timeframes for Submitting Evidence of Citizenship/Immigration Status to the owner/agent:
 - f. Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors.
 - g. If the applicant cannot supply the documentation within the owner's specified timeframe, the owner may grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required the required documentation. (Although the extension period may not exceed 30 days, the owner may establish a shorter extension period based on the circumstances of the individual case.)

- h. The owner must inform the applicant in writing if an extension request is granted or denied. If the request is granted or denied. If the request is granted, the owner must include the new deadline for submitting the documentation. If the request is denied, the owner must state the reasons for the denial in the written response. When granting or rejecting extensions, owners must treat applicants consistently.
 - i. Reviewing and Verification of a Household's Citizenship/Immigration Status:
 - j. Owners must conduct primary verification through the (Systematic Alien Verification for Entitlements) SAVE ASVI database, the Department of Homeland Security (DHS) automated system.
 - k. After accessing the ASIV database, the owner enters the required data fields. The personal computer system will display one of the following messages for immigration status confirmation on the screen; Lawful Permanent Resident, Temporary Resident, Conditional Resident, Asylee, Refugee, Cuban\Haitian Entrant, Conditional Entrant.
 - l. If the message "institute secondary verification" is displayed on the screen, the manual verification process must be used. Within 10 days of receiving an "Institute Secondary Verification" response, the owner must prepare DHS Form G-845S, *Document Verification Request*. The owner must send DHS Form G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the property's jurisdiction. The DHS will return to the owner a copy of DHS Form G-845A indicating the results of the automated and manual search.
 - m. Appealing Determinations of Ineligibility:
 - n. The owner must notify the family in writing as soon as possible if the secondary verification process returns a negative result. The family has 30 days from receipt of the notice to choose which option to follow.
 - o. The family may appeal the owner's decision directly to DHS. The family must send a copy of the appeal directly to the owner. The DHS should respond to the appeal within 30 days. If the DHS decision results in a positive determination of eligibility, the owner can provide the family with housing assistance. If the DHS decision results in a negative determination of eligibility, the family has 30 days to request a hearing with the owner.
- 5) A mixed family – a family with one or more ineligible family members and one or more eligible family members – may receive either: prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

Continued Assistance:

- a. A mixed family who was receiving assistance on June 19, 1995, is entitled to continue receiving the same level of assistance if the following apply: The family head, spouse, or co-head was a citizen or had eligible immigration status; and The family did not include any members who did not have eligible immigration status, except for the head, spouse, parents of the head of household, parents of the spouse, or children of the head or spouse.
- b. Eligibility for continued assistance must have been established prior to November 29, 1996.
- c. If, after November 29, 1996, anyone is added to a family, including a head of household, spouse, parents of the household or spouse, or children of the head of household or spouse, the family is not eligible for continued assistance at the full level, but may receive prorated assistance.

Prorated Assistance:

- a. If a family is eligible for prorated assistance and is not receiving continued assistance, and if the termination of the family's assistance is not temporarily deferred, the amount of assistance the family receives is adjusted based on the number of family members who are eligible compared with the total number of family members. The prorated assistance is calculated by multiplying a family's full assistance by a fraction.

- b. Section 8. For Section 8 assistance programs, the number of eligible people in the family divided by the total number of persons in the family determines the fraction. Then, this fraction is multiplied by the full assistance payment. The reduced assistance payment results in a revised tenant rent for the family.

Temporary Deferral of Termination of Assistance:

- Families that were receiving assistance on June 19, 1995 under on of the programs covered by the non-citizen rules are eligible for temporary deferral of termination of assistance. If the following applies: Family has no eligible members; or Mixed family qualifies for prorated assistance (and does not qualify for continued assistance) and chooses not to accept the partial assistance.
- The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family continues to receive its current level of assistance.
- The initial deferral period is for six months and may be extended to for an additional six-month period, not to exceed 18 months.
- At the beginning of each deferral period, the owner must inform the family of its ineligibility for financial assistance and offer the family information concerning, and referral to assist in finding, other affordable housing.
- Before the end of each deferral period, the owner must determine whether affordable housing is available to the family and whether to extend the deferral of termination of assistance.
- To extend a deferral period, an owner must determine that no affordable housing is available. The owner must inform the family of the owner's determination at least 60 days before the current deferral period expires. The owner's determination should be based on the following: A vacancy rate of less than 5% for affordable housing of the appropriate unit size in the housing market for the area in which the housing is located; The local jurisdiction's Consolidated Plan, if applicable; Availability of affordable housing in the market area; and Evidence of the family's efforts to obtain affordable housing in the area.
- To terminate assistance, the owner must determine that affordable housing is available, or that the maximum deferral period has been reached.
- If eligible for prorated assistance, the family may request to begin to receive prorated assistance at the end of the deferral period.
- Affordable housing for the purpose of temporary deferral of assistance is housing that: Is not substandard; is the appropriate size for the family; and can be rented by the family for an amount less than or equal to 125% of the family's total tenant payment (TTP), including utilities.
- Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

SOCIAL SECURITY NUMBER REQUIREMENTS

1. All applicant and tenant household members must disclose and provide verification of the complete and accurate SSN assigned to each household member. Failure to disclose and provide documentation and verification of SSNs will result in an applicant not being admitted or a tenant household's tenancy being terminated.
2. Exceptions to disclosure of SSN:
 - a. Individuals who do not contend eligible immigration status.
 - b. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010
 - i. The exception status for these individuals is retained even if there is a break in his or her participation in a HUD assisted program.
 - ii. When determining the eligibility of an individual who meets the exception requirements for SSN disclosure and verification, documentation must be obtained that verifies the applicant's exemption status. A certification from the tenant is not acceptable verification of the exemption status. This documentation must be retained in the tenant file.

3. Applicants must provide adequate documentation to verify the complete and accurate SSNs assigned to all household members. Adequate documentation means a social security card issued by the Social Security Administration (SSA), an original document issued by a federal or state government agency, which contains the name and SSN of the individual along with identifying information of the individual, or other acceptable evidence including:
 - a. Driver's license with SSN
 - b. Identification card issued by a medical insurance provider, or by an employer or trade union.
 - c. Earnings statements on payroll stubs.
 - d. Bank statements
 - e. Form 1099
 - f. Benefit award letter
 - g. Retirement benefit letter
 - h. Life insurance policy
 - i. Court records
4. An applicant may not be admitted until SSNs for all household members have been disclosed and verification provided.
 - a. If all household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.
 - b. The applicant who has not disclosed and provided verification of SSNs for all household members must disclose and provide verification of SSNs for all household members to the owner within 90 days from the date they are first offered an available unit.
 - c. If the owner has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of *disclosing and providing verification of* the SSN, the applicant may retain his or her place on the waiting list for the *90*-day period during which the applicant is trying to obtain documentation.
 - d. After *90* days, if the applicant has been unable to supply the required SSN *and verification* documentation, the applicant should be determined ineligible and removed from the waiting list.
5. Circumstances When Tenants Must Provide SSNs:
 - a. SSNs Not Previously Disclosed and/or Verified. SSNs must be disclosed and verification provided for any household member(s) who have not previously disclosed a SSN as of January 31, 2010, at the time of the next interim or annual recertification except for those individuals who do not contend eligible immigration status or tenants who are age 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.
 - b. Invalid SSN Disclosed. The head of household must be notified when the EIV Pre-screening Report or the Failed Verification Report (Failed the SSA Identity Test) in EIV identifies that a household member has provided an invalid SSN. Discrepancies identified in the SSN disclosed must be resolved and the correct SSN disclosed, verified, and transmitted to TRACS.
 - c. Assignment of a New SSN. If a tenant or any member of a tenant's household is or has been assigned a new SSN, the SSN must be disclosed and verification provided to the owner at:
 - i. The time of receipt of the new SSN; or
 - ii. The next interim or regularly scheduled recertification; or
 - iii. Such earlier time as specified by the owner.
 - d. Adding a New Household Member Age Six or Older or Under the Age of Six With an Assigned SSN:
 - i. When adding a new household member who is age six or older, or is under the age of six and has a SSN, the tenant must disclose and provide verification of the SSN of the individual to be added to the household. This SSN must be provided to the owner at:
 1. The time of the request, or
 2. At the time the recertification that includes the new household member is processed.
 - e. Adding a New Household Member Under the Age of Six Without an Assigned SSN:
 - i. The tenant must disclose and provide verification of the new household member's SSN within 90 calendar days of the child being added to the household.

- ii. The owner must grant an extension of one additional 90-day period, if the owner, in its discretion, determines that the tenant's failure to comply is due to circumstances that could not have been foreseen and were outside the control of the tenant, e.g., delay in processing by SSA, natural disaster, fire, death in family, etc.
- iii. During the period that the owner is awaiting disclosure and verification of the SSN, the child is included as part of the household and shall be entitled to all of the benefits of being a household member, including the dependent deduction.
- iv. A TRACS ID will be assigned to the child until the time the SSN is provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child's TRACS ID to the child's verified SSN.
- v. If, upon expiration of the provided time period, the tenant fails to disclose and provide verification of the SSN, the tenant and the tenant's household are subject to termination of tenancy.

APPLICATION INTAKE AND PROCESSING

It is SEK-CAP Housing, Inc.'s policy to accept and process applications in accordance with Agency and applicable program regulations.

Applications are accepted at SEK-CAP, Inc. Family and Community Services Offices and may be accepted by mail. In order to be processed, applications are required to be completed in their entirety and all required documentation provided. At the time the completed application form is submitted, it is entered into the Agency computer software program and the software tracks the date and time of application. Applications are placed on the waiting list chronologically. The waiting list will be updated by First Class Mail, or by telephone, on a regular basis. Failure to respond to the notice received will result in removal from the waiting list.

PROCEDURES FOR ACCEPTING APPLICATIONS

- 1) Application forms – Anyone who wishes to be admitted to an assisted property or placed on the property's waiting list must complete an application. Application forms will be distributed at SEK-CAP, Inc. Central Office, 401 N. Sinnet, Girard, KS and on the SEK-CAP website, www.sek-cap.com. Applications will be accepted by hand-delivery, mail, or scanned email.
- 2) In addition to the application form, the Agent shall also require an Applicant's Consent for Release of Information (9887 and 9887A). This form is necessary to allow the Agent to obtain third-party verifications or references. This is applicable to HUD properties only. All information relative to previous housing, family income, assets, and medical expenses (if applicable) will be verified and all verified findings will be documented and recorded in the applicant file. Failure to sign this form will result in denial of assistance.
- 3) SEK-CAP must provide applicants and tenants with the HUD Fact Sheet, a copy of the Resident Rights and Responsibilities brochure, and a copy of the EIV & You brochure.
- 4) Failure to respond within 14 days to the Agent's requests for documentation or information to process the application may result in withdrawal of an application from further processing. The Agent may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, including medical problems or extreme weather conditions.
- 5) The Agent will offer aid to the applicant in completing the application, explain the tenant selection process, define preferences, and explain the verification process with respect to preferences.

- 6) Every application must be completed and signed by the head of the household. Household members 18 years or older, including any personal care attendant (PCA), must sign a release to conduct criminal, credit, and landlord history references, provided that credit information for personal care attendant is not necessary because their income is not included in the household income calculation. Personal care attendants are defined as a person who resides with a household member with a disability and who (a) provides necessary assistance in activities of daily living to such household member insofar as he or she requires such assistance on account of his or her disability; (b) is not obligated for support of the household member; (c) is paid for the fair value of such assistance; and (d) would not be residing in the unit except to provide such necessary assistance to the household member. All members of the household must be listed on the application form.
- 7) It is the policy of the Agent to guard the privacy of individuals in accordance with the Federal Privacy Act of 1974, and to ensure the protection of records maintained by the property concerning the applicants or tenants.
- 8) The Agent shall not disclose any personal information contained in its records to any persons or agencies other than authorized government agency unless the individual about whom information is requested has given written consent to such disclosure, or unless disclosure is otherwise in accordance with provisions in the state or federal privacy acts.
- 9) This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Fair Housing Act.

PRIORTIES FOR ACCESSIBLE OR ADAPTABLE APARTMENTS

For rental units accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, households containing at least one person with such impairment will have first priority (as applicable for a particular unit feature). NOTE: Current residents in good standing, requiring accessible/adaptable apartments, shall be given priority over applicants requiring the same type housing unit. Where persons without disabilities are moved into units designed to meet special needs, they shall do so only after agreeing to move to another unit with no such design features should an applicant or current resident require an accessible unit of the type currently occupied by the persons without disabilities.

WAITING LIST SELECTION PRIORITIES

It is possible that there will be more applicants for housing than can be assisted. In order to select those families most in need of housing, the following categories will be the basis of selecting residents from among all applicants:

For Sun Crest View Apartments in Weir, Kansas: Forty percent (40%) of all units will be set aside for families whose total gross family income does not exceed 30% of the area median income (AMI) as established by HUD. Families must be 62 years of age, or older, unless a HUD approved age waiver is in force and/or disabled. To be eligible for admission, an applicant must meet the following Income Limit requirements:

- 1) Except under limited circumstances, in order for an applicant to be eligible for occupancy, the applicant family's annual income must not exceed the applicable income limit established by HUD. Section 8 properties, depending upon the effective date of the initial Housing Assistance Payments (HAP) contract for the property. The income limits that will be allowed at the property are:

- 2) Section 8 (post-1981) – Very low, and extremely low-income limit
- 3) These income limits are revised annually to ensure that federal rental assistance is only provided to low-income families. This limit depends upon the type of subsidy and family size.
- 4) HUD establishes and publishes income limits for each county or Metropolitan Statistical Area (MSA) in the country. The income limits are based upon the medial income of the geographic area for which the limit is established.
- 5) Income limits are published annually in the Federal Register and are available from the local HUD office, or on-line at www.huduser.org.

INCOME TARGETING

In accordance with the Qualified Housing and Work Responsibility Act of 1998, at least forty (40%) percent of households admitted in any fiscal year will be those whose incomes are 30% or less of the medial income for households of a similar size in the area. The income limits required to qualify in this category of “extremely low income” are listed on the income limits chart submitted by HUD.

The method to be used to obtain the required income targeting for applicants on the waiting list (when interest in property warrants a waiting list be maintained) is described as: Admit only extremely low income families until the 40% target is met. In chronological order, we will select eligible applicants from the waiting list whose incomes are at or below the extremely low income limit to fill the first 40% of expected vacancies in the property, as long as there are families on the waiting list at or below this income amount. Once this target has been reached, admit applicants in waiting list order.

For Cherokee Duplexes in Cherokee, Kansas: Fifty percent (50%) of all units will be set aside for families whose total gross family income does not exceed 50% of the area median income (AMI) as established by HUD. The remaining fifty percent (50%) of units will be utilized for families whose total gross family income does not exceed eighty percent (80%) of the AMI. Families must be 55 years of age, or older and/or disabled.

For Agency owned Community Housing Development Organization (CHDO) Family Housing Rental Units: Each project, as designated by KHRC, where applicable, will have at a minimum, one family whose total gross family income does not exceed fifty percent (50%) of the AMI. The remaining units will be occupied by families whose total gross family income does not exceed eighty percent (80%) of the AMI.

Within each of the above listed groups, approved applicants will be housed based solely on the date and time of application.

WAITING LIST MANAGEMENT

It is the policy of SEK-CAP Housing, Inc. to administer its Waiting Lists as required by HUD handbooks, KHRC policy and other applicable regulations. A separate Waiting List will be maintained for each type of housing owned by the Agency.

A) Opening and Closing Waiting Lists

In order to maintain a balanced application pool, the Agency may, at its discretion, restrict application taking, suspend application taking, and close Waiting Lists in whole or in part. The Agency will also update the Waiting Lists by removing the names of those who are no longer interested in, or no longer qualify for, housing.

If Agency has sufficient applications, it may elect to:

- 1) Close the Waiting Lists completely, or
- 2) Close the Waiting Lists in part

Decisions about closing waiting lists will be based on the number of applications available for a particular size and type of housing unit and the ability of Agency to house an applicant in an appropriate property within a reasonable period of time. Closing the Waiting Lists, restricting intake, or opening the Waiting Lists will be publicly announced. Agency will use a one year waiting period to determine whether the Waiting List may be closed.

During the period when a Waiting List is closed, Agency will not maintain a list of individuals who wish to be notified when the Waiting List is reopened.

B) Removal of Applications from the Waiting List

Agency will not remove an applicant's name from the Waiting List unless:

- 1) The applicant requests that the name be removed,
- 2) The applicant was clearly advised of the requirement to tell the Agency of his/her continued interest in housing by a particular time and failed to do so,
- 3) Agency made a reasonable effort to contact the applicant to determine if there was continued interest in housing but has been unsuccessful, or
- 4) Agency has notified the applicant of its intention to remove the applicant's name, because the applicant no longer qualifies for assisted housing, or
- 5) Applicant refused offer of unit for other than a verifiable medically related reason.

INTERVIEWS AND VERIFICATION PROCESS

As applicants approach the top of the waiting list, they will be contacted to schedule an application interview. The interview shall be conducted in accordance with the appropriate program regulations.

No decisions to accept or reject applications shall be made until all information presented by the applicant on the Application has been verified.

VERIFICATION REQUIREMENTS

Agency shall obtain verifications in compliance with requirements set forth in applicable program and/or agency regulations. No decision to accept or reject an application shall be made until verifications have been collected and any necessary follow-up interviews have been performed. Refusal to sign any required verification form will result in denial of the application. Failure to provide information requested that is necessary to determine eligibility will also result in denial of the application.

A) Types of Verification Required

All information relative to the following items must be verified as described in these procedures:

- 1) Eligibility for Admission, such as
 - a) Income, assets and asset income
 - b) Household composition
 - c) Social Security Numbers of household members or certification that Social Security has not been assigned along with proof of application
 - d) Citizenship and/or legal status
 - e) Existing Tenant Search (EIV)

- 2) Allowances, such as
 - a) Age, disability or handicap of household members
 - b) Full time student status
 - c) Child care costs
 - d) Handicap expenses
 - e) Medical costs (for elderly/handicap households only)
- 3) Compliance with Resident Selection Guidelines, such as
 - a) Proof of ability to pay rent
 - b) Previously demonstrated adherence to Lease
 - c) Positive prior landlord reference, rent paying, caring for a home
 - d) History of criminal activity of any household member
- 1) Special Program Requirements, such as
 - a) Special needs housing based on disability

All the above information must be documented and appropriate verification forms or letters placed in the applicant or resident file.

B) **Period for Verification**

1. Verifications are valid for 120 days from the date of receipt by the owner, not the effective date of the 50059.
2. If verifications are more than 120 days old from the date of receipt by the owner, the owner must obtain new verifications.
3. Time limits do not apply to information that does not need to be reverified, such as:
 - a. Age;
 - b. Disability status;
 - c. Family membership; or
 - d. Citizenship status.

C) **Forms of Verification documentation required, as part of the verification process, may include:**

- 1) Checklists completed as part of the interview process and signed by the applicant
- 2) Verification forms completed and signed by third parties
- 3) Reports of interviews
- 4) Letters
- 5) Notes of telephone conversations with reliable sources

At a minimum, telephone notes will indicate the date and time of the conversation, source of the information, name of the individual contacted, and a written summary of the information received.

Agency staff will be the final judge of the credibility of any verification submitted by an applicant. If the staff considers documentation to be doubtful, it will be reviewed by Management staff that in turn will make a ruling about its acceptability. Management staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

D) **Sources of information: Sources of information to be checked may include, but shall not be limited to:**

- 1) The applicant by means of interviews
- 2) Present and former housing providers
- 3) Present and former employers
- 4) Credit checks and management record services
- 5) Social workers, Social Service providers parole officers, court records, drug treatment centers, physicians, clergy, INS
- 6) Law enforcement

E) Acceptable Verification Methods, in order of acceptability:

- 1) Upfront-income verification (UIC) with use of EIV being mandatory and use of non-EIV UIV being optional;
- 2) Third-party from source (written),
- 3) Third-party from source (oral) with a record kept in the files,
- 4) Family certification

If third-party verification is not available, owners must document the tenant file to explain why third-party verification was not available. Each file will be documented to show that Agency staff attempted to obtain third-party written documentation or the preferred form of verification associated with a particular item before relying on some less acceptable form of information.

F) Third-Party Verification, in order of acceptability:

1. Upfront-income verification (UIV) – verification of income before or during a certification and/or recertification, through an independent source that systematically and uniformly maintains income information in a computerized form.
 - a. Using HUD’s EIV system for tenants (not available for applicants) – It is MANDATORY that owners use the EIV system as the third-party source to verify employment and income information of tenants during recertification (annual and interim) of family composition and income.
 - b. UIV using non-EIV system (Optional) – Owners may use other non-HUD UIV tools such as The Work Number and other state government databases, if available, to verify income:
 - i. Of applicants;
 - ii. When no employment or income is available in EIV; or
 - iii. For other types of income received by the family.
2. Third-party verification from source (written)
 - a. An original or authentic document generated by a third party source that is dated within 120 days from the date of receipt by the owner. Such documentation may be in possession of the tenant (or applicant), and commonly referred to as tenant-provided documents. These documents are considered third-party verification because they originated from a third-party source.

Examples of tenant-provided documentation that may be used includes, but is not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

Owners must consider the following when using tenant-provided documentation:

- i. Is the document current? Documentation of public assistance may be inaccurate if it is not recent and does not show any changes in the family’s benefits or work and training activities.
 - ii. Is the documentation complete? Owners may not accept pay stubs to document employment income unless the applicant or tenant provides the most recent four to six, consecutive pay stubs to illustrate variation in hours worked. Actual paychecks or copies of paychecks should never be used to document income because deductions are not shown on the paycheck.
 - iii. Is the document an unaltered original? Photocopied documents generally cannot be assumed to be reliable.
- b. Written documentation sent directly by the third-party source by mail or electronically by fax, email or internet.
 - c. Third-party verification from source (oral)

When verifying information over the telephone, it is important to be certain that the person on the telephone is the party he or she claims to be. Generally, it is best to telephone the verification source rather than to accept verification from a source calling the property management office. Oral verification must be documented in the file.

d. Family Certification

An owner may accept a tenant's notarized statement or signed affidavit regarding the veracity of information submitted only if the information cannot be verified by another acceptable verification method. In these instances, the owner must document the file why third-party verification was not available. The owner may witness the tenant signature(s) in lieu of a notarized statement or affidavit.

3. Electronic Verification – The owner may obtain accurate third-party written verification by facsimile, email, or internet, if adequate effort is made to ensure that the sender is a valid third-party source.
 - a. Facsimile – Information sent by fax is most reliable if the owner and the verification source agree to use this method in advance during a telephone conversation. The fax should include the company name and fax number of the verification source.
 - b. Email – Similar to faxed information, information verified by email is more reliable when preceded by a telephone conversation and/or when the email address includes the name of an appropriate individual and firm.
 - c. Internet – Information verified on the internet is considered third party verification if the owner is able to view web-based information from a reputable source on the computer screen. Use of a printout from the internet may also be adequate verification in many instances.

ATTEMPTED FRAUD

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The Agency considers false information about the following to be grounds for rejecting an applicant:

- 1) Income, assets, household composition
- 2) Social Security Numbers
- 3) Preferences and priorities
- 4) Allowances
- 5) Previous residence history or criminal history
- 6) Citizenship, naturalization, and/or eligible immigration status

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicant.

SCREENING USING THE EIV EXISTING TENANT SEARCH

Owners must use the EIV Existing Tenant Search to determine if the applicant or any member of the applicant's household are being assisted under a HUD rental assistance program at another location. Staff completing the Existing Tenant Search will do so according to EIV Policies & Procedures.

DETERMINATION OF APPLICANT ELIGIBILITY

Information needed to determine applicant eligibility shall be obtained, verified and the determination of applicant eligibility performed, in accordance with HUD, KHRC, Agency and/or any other applicable regulations

DETERMINATION OF APPLICANT QUALIFICATION

A) The Applicant Screening Policy

Those applicants under 18 years of age, who will be the head of household, will not be considered eligible for a waiting list or placement unless they are considered to be an emancipated minor. Persons are selected from the waiting list on a first-come-first-served basis without regard to race, color, religion, sex, age, national origin, familial status, handicap/disability, or source of income. For Agency programs, at the time a unit or units are anticipated to become vacant, the applications on the waiting list are considered in chronological order. All prospective residents will be screened on the following criteria:

- 1) Past performance in meeting financial obligations, especially rent
- 2) Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents and/or the property.
- 3) Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
- 4) Criminal history checks of convictions and outstanding warrants with local, state and/or federal authorities including registered sex offender screening.
- 5) A record of eviction from housing or termination from residential programs will be considered.
- 6) An applicant's ability and willingness to comply with the terms of the Agency's lease.
- 7) An applicant's misrepresentation of any information related to eligibility, allowances, household composition, or rent.

B) HUD ONE STRIKE POLICY

SEK-CAP upholds the HUD "ONE STRIKE YOU'RE OUT" Policy concerning drug use per Code of Federal Regulations (CFR) Volume 24 Section 880.607. Therefore, any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other Residents or any drug-related criminal activity on or near such premises, engaged in by Resident, any member of Resident's household, or any guest or other person under the Resident's control, shall be cause for termination of tenancy.

OCCUPANCY STANDARDS

The owner must balance the need to avoid overcrowding with the need to make the best use of available space and to avoid unnecessary subsidy. To determine how many bedrooms a family many have, the management agent shall count:

- 1) all full-time members of the household;
- 2) children who are away at school but live with the Family during school recesses;
- 3) children who are subject to a joint custody agreement but live in the unit at least 50% of the time;
- 4) and unborn child or children who are in the process of being adopted or whose custody is being obtained by an adult;
- 5) foster children or children who are temporarily absent due to placement in foster home; and
- 6) live-in attendants.

The management agent shall not provide bedroom space for persons who are not members of the household, such as adult children on active military duty, permanently institutionalized Family members or visitors. A maximum of two (2) persons per bedroom/room used for sleeping will be allowed for each bedroom size available on the property. For Sun Crest View Apartments in Weir, the occupancy standards for a zero (0)

bedroom unit are a minimum of one (1) person and a maximum of two (2) people per unit. For a one (1) bedroom unit at this project, the occupancy standards are a minimum of one (1) person and a maximum of four (4) people per unit.

If a family, based on the number of members, would qualify for more than one unit size, the owner must allow the family to choose which unit size they prefer.

APPLICANT PRESENCE ON MULTIPLE WAITING LISTS

An applicant may be on multiple waiting lists (or waiting for more than one unit size). The applicant will be placed on the waiting list based upon the application dates and times and qualification for preferences (if used). When a unit becomes vacant, the owner must select the next applicant from the waiting list based on the unit size available, preferences established for the property, income-targeting policies and requirements, and screening policies applied by the owner. The owner will select the first name on the waiting list for the appropriate unit size (or list of names for units reserved for disabled applicants) and make a final determination of eligibility and suitability for tenancy.

ASSIGNING UNITS LARGER THAN REQUIRED

The owner may assign a family to a larger unit than suggested by the owner's occupancy standards if one of the following conditions exist: No eligible family in need of the larger unit is available to move into the unit within 60 days, the property has the property size unit for the family but it is not currently available, and the family agrees in writing to move at its own expense when a proper size unit becomes available; or A family needs a larger unit as a reasonable accommodation for a family member who is a person with a disability.

However, a single person must not be permitted to occupy a unit with two or more bedrooms, except for the following persons: A person with a disability who needs the larger unit as a reasonable accommodation; A displaced person when no appropriately sized unit is available; An elderly person who has a verifiable need for a larger unit; or A remaining family member of a resident family when no appropriately sized unit is available.

CHANGE IN FAMILY SIZE AFTER INITIAL OCCUPANCY

After a family moves into a unit, the unit may become overcrowded or under-utilized due to a change in family size. The owner may require the family to move to a unit of appropriate size. If a unit of appropriate size is not available, the owner must not evict the family and must not increase the family's rent to the market rent. If a family refuses to move to the correct size unit, the family may stay in the current unit and pay the market rent. The owner must not evict the tenant for refusing to move but may evict the family if it fails to pay the market rent in accordance with the lease.

HOW APPLICANT HISTORY WILL BE CHECKED

Listed below are the methods by which every applicant's performance, relative to each of the five criteria, will be checked:

- A) Past performance meeting financial obligations, especially rent:
 - 1) Contacting the current landlord and two additional prior landlords, when possible. The Reference Check Form will be used to gather previous rental history information.
 - 2) The reason for checking with prior housing providers is that current providers of housing to dangerous, destructive, or costly applicants may misrepresent information about said applicants in order to get the Agency to take over their problems. Contacts with all prior housing providers are to be pursued until such a point that the Agency is satisfied that this is not the case.
 - 3) If verified records of timely rental payments are received from previous landlords, no further documentation of past performance in meeting financial obligations, especially rent, need to be collected.

Otherwise, eligible house holds who apply for housing with outstanding balances owed to the Agency must pay any balance owed prior to being placed on the Waiting List. Failure to pay will result in the application being rejected.

B) Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents:

- 1) Staff will check for these potential problems with the current Landlord. If the applicant is not currently living under a lease, the housing provider will be asked to verify the applicant's ability to comply with Agency lease terms as it relates to these guidelines. Any area for which the applicant has upkeep responsibility may be inspected.
- 2) An applicant's behavior toward Agency Staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward Agency Staff will be noted in the file and may be grounds for denial of application, termination of tenancy and/or assistance.

C) Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.

D) Criminal history checks of convictions and outstanding warrants with local, state, and/or federal authorities.

E) A record of eviction from housing or termination from residential programs will be considered:

- 1) Agency will check all available records to determine whether the applicant has been evicted from other housing or any other property in the past.
- 2) Records of evictions from residential programs will be checked with service agencies and with any housing providers referred by the applicant.
- 3) Circumstances of any past eviction or termination in determining its relevance to Agency tenancy.

F) Ability and willingness to comply with the terms of the Lease and Agency Policies:

- 1) If an applicant is able to document that he/she is complying with Lease terms and policies in current and former residences, through a combination of management references and the home visit, if applicable, this criterion will be considered to have been satisfied.

G) An applicant's misrepresentation of any information related to eligibility, allowances, household composition, or rent.

- 1) If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about his/her current situation, criminal history, or behavior in a manner that would affect eligibility, application selection criteria qualification, allowances, or rent, the application shall be rejected.

OBTAINING APPLICANT RELEASES

When applicants first apply, all adult household members must sign the necessary releases required for gathering information needed to determine eligibility. Failure to do so and/or provide information requested will result in denial of application.

REVIEW OF RECOMMENDATIONS FOR ADMISSION OR REJECTION

A. If the applicant requests an additional interview to determine whether mitigating circumstances or reasonable accommodations would make it possible to accept his/her application, Staff will do so based on Section 504 of the Rehabilitation Act of 1973.

- B. If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is ineligible, rejection shall be authorized.
- C. Management will follow the grievance process in compliance with applicable program and/or Agency requirements.
- D. Grievance Procedure: When rejecting an application, management will:
 - a. Provide notification in writing of reason(s) for rejection;
 - b. Inform the applicant they have 14 days to request in writing a meeting to discuss the rejection;
 - c. Participate through a representative in an informal meeting;
 - d. Provide a written determination to the applicant within 5 business days of meeting.
- E. The Agency is under no obligation to provide housing to every applicant and is required to make sound business judgments.

APPLICANTS WITH DISABILITIES OR HANDICAPS

- A) Agency Staff must consider whether to reconsider a rejection of an applicant if he/she has a disability and the reasons for the rejection could be overcome by management's reasonable accommodation of the applicant's disability. For reasonable accommodations to apply there are several requirements.
 - a) First, the applicant must have a verifiable disability and/or mental or physical impairment that substantially limits one or more major life activities.
 - b) The disability must have a direct correlation to the reason the applicant would be rejected.
 - c) The applicant must request the reasonable accommodation and provide verification from a medical professional
 - d) of his/her disability and his/her need for the accommodation.
 - e) Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the Agency. In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements.
- B) In these situations, the applicant is not eligible and the applicant will be rejected. Examples of such situations are where:
 - a) The behavior or performance in past housing caused a direct threat to the health or safety of persons or property.
 - b) Past history, or other information, that shows the applicant's inability to comply with the terms of the Agency's lease.
 - c) An objective determination that the applicant would require services from the Agency that represent an alteration in the fundamental nature of the Agency's program(s).
- C) If an applicant makes a request, management will provide a reasonable accommodation if the applicant has a verifiable disability that is directly related to the request and providing the reasonable accommodation will not result in a financial or administrative burden to the Agency.

REJECTION OF INELIGIBLE OR UNQUALIFIED APPLICANTS

The Agency complies with applicant rejection requirements set forth in all applicable Agency and programmatic regulations. Agency reserves the right to reject applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the following categories:

- A. **Misrepresentation:** Willful or serious misrepresentation in the application procedure for housing or certification process for any Agency owned dwelling unit.
- B. **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.
- C. **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors and/or potentially endanger Agency staff.
- D. **Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing a shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
- E. **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.
- F. **Owing Utility Providers:** Applicants who owe a balance to the local utility provider for present or prior residences will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have changed sufficiently to enable the family to pay and maintain utilities in the name of the head of household.
- G. **Unsanitary or Hazardous Housekeeping:** Includes generally creating any health or safety hazard through acts of neglect and causing or permitting any damage to or misuse of premises and equipment, if the family is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odor or other problems injurious to other person's health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances, and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.
- H. **Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicate the family will be unable or would otherwise fail to pay when due rent for the unit and other expenses relating to occupancy of the dwelling.
- I. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be ground for rejection of an application are as follows:
 - 1) Any conviction or adjudication other than acquittal within ten years which involved injury to a person or property.
 - 2) Any conviction or adjudication other than acquittal for the sale, distribution or manufacture of any controlled or illegal substance.
 - 3) Any conviction or adjudication other than acquittal within ten years involving illegal use or possession of any controlled or illegal substance.

- 4) Any current illegal user or addict of a controlled or illegal substance.
- 5) Any act with results in the person's tenancy constituting a threat to the health or safety of their individuals, result in substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.
- 6) Any conviction or adjudication other than acquittal, for any sexual offense.
- 7) Any conviction or adjudication other than acquittal, which involved bodily harm to a minor child.
- 8) Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.
- 9) Alcohol Abuse: If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
- 10) Failing to meet the requirements of the registered sex offender screening.

Management reserves the right to require criminal background checks prior to initial occupancy and at each recertification. Management will do criminal background checks at re-certifications if in receipt of credible and verifiable information indicating possible criminal activity may have occurred.

ACCEPTANCE AND MOVE-IN OF ELIGIBLE AND QUALIFIED APPLICANTS

- A. Determination for Rent and Security Deposit
- B. Monthly rent and security deposit amount will be determined in accordance with the Federal, State and/or Agency regulations governing the housing program and applicable law.

OFFERING A RENTAL UNIT

When a rental unit becomes available for occupancy, it will be offered to the applicant at the top of the Waiting List for that unit type. If the applicant cannot be contacted within three (3) working days, the offer will be cancelled and the unit will be offered to the next applicant on the Waiting List.

In that event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the Waiting List. If the applicant replies affirmatively, their application will retain its position on the Waiting List. If the reply is negative, or if no reply is received within seven (7) calendar days, the applicant will be removed from the waiting list.

If an applicant rejects an offer, the applicant is removed from the Waiting List. In order to be considered for tenancy again, applicant will be required to submit another application if the current application is over 90 days old. If current application is less than 90 days old, a written request to again be considered for residency is required. A written request to again be considered for residency and/or a new application will establish a new date and time of application and be placed on the Waiting List in chronological order based on that criteria.

PRIOR TO MOVE-IN

- A. The applicant will pay a minimum of one-half the Security Deposit.
- B. All adult members, age 18 and older, of the household will sign the Lease, and related documents.
- C. The applicant will pay the rent for the first month, or pro rated rent if for a partial calendar month, as set forth in the Lease.

- D. The applicant will be given a copy of the Lease, the Move-In Inspection form, and receipt(s) for the Security Deposit and first month's rent, in addition to any other pertinent documents.
- E. The applicant and management will inspect the apartment and sign the Move-In Inspection form.

MOVE-IN – KEYS TO THE APARTMENT WILL BE ISSUED TO THE HOUSEHOLD.

FAILURE TO MOVE-IN ON TIME

If a household fails to move in on the agreed date, the application will be denied and the apartment will be offered to the next household on the Waiting List.

UNIT TRANSFER POLICIES

Transfers are considered only for the following reasons:

1. Family size;
2. Changes in family composition;
3. Medical reasons certified by a doctor; or
4. Need for an accessible unit

Requests for transfers should be submitted in writing, but may be requested by phone and documented by SEK-CAP staff. A transfer due to family size or changes in family composition will not be considered until after a resident has been in place for at least one (1) year, and has demonstrated to be a resident in good standing. When a request is received, it will constitute a new application for the different unit and be placed on the appropriate waiting list by date and time as with any other application. A transfer due to medical reasons certified by a doctor or the need for an accessible unit will be considered within a reasonable time upon request, not to exceed 14 days. A current tenant who needs an available accessible unit or another available unit due to medical reasons certified by a doctor will be offered the unit before applicants on the waiting list, if they have requested a transfer.

Inspections will be performed prior to transfer to determine move-out costs. All move-out expenses must be paid prior to transfer.

REPORTING CHANGES REQUIREMENTS

All tenants in all Agency properties are required to report any/all changes in income, household composition and/or applicable expenses within 10 days in writing to the Agency. Any/all additional household members the tenant family wants to move into the unit must be approved in advance of moving into the unit based on the above procedures and any/all applicable program and agency regulations.

ENTERPRISE INCOME VERIFICATION (EIV) REQUIREMENTS

1. **Summary Report** – Summary of household information from the current, active certification in the TRACS file at the time of the income match; Provides identity Verification Status by identifying tenants whose personal identifiers:
 - a. Match the SSA database- “Verified”
 - b. Does not match the SSA database – “Failed”
 - c. Have not been sent by HUD to SSA for validation or have not yet been matched by SSA for validation – “Not Verified”
 - d. SSA’s records indicate the person is deceased – “Deceased”

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> • Must be used at recertification (annual and interim): <ul style="list-style-type: none"> ○ To validate a tenant’s SSN ○ To review and resolve discrepant or invalid personal identifiers of tenants with a “failed” or “deceased” status • Nothing has to be done at the time of recertification with those tenants with an Identity Verification Status of “Not Verified”. However, the Failed SSA Identity Test report must be checked monthly as a change in the Identity Verification Status may occur. 	<ul style="list-style-type: none"> • Summary Report(s) as verification of the SSN for all household members whose Identity Verification Status is “Verified”. • Correspondence or documentation received to resolve a tenant’s “Failed” or “Deceased” status. • Documentation for household members identified as exempt from disclosing and providing verification of a SSN: <ul style="list-style-type: none"> ○ Tenants who were 62 years of age or older as of January 31, 2010 and whose initial determination of eligibility was begun before January 31, 2010; and ○ Individuals who do not contend eligible immigration status. • If the Summary Report in the tenant file shows an Identity Verification Status of “Verified” for all household members required to have a SSN, the Owner does not have to continue to print out the Summary Report at recertification unless there is a change in household composition or in a household member’s identity verification status. 	<p>Tenant File Summary Report and supporting documentation must be retained in the tenant’s file for term of tenancy plus 3 years.</p> <p>O/As may remove and destroy copies of verification documentation received from the tenant to verify their SSN once the Identity Verification Status shows “Verified”. O/As are encouraged to minimize the number of tenant records that contain documents that display the full nine-digit SSN.</p>

2. **Income Report** – Provides employment and income reported by HHS and SSA for each household member that passes the SSA identity test; Identifies tenants who:
- a. May not have reported complete and accurate income information
 - b. May be receiving multiple subsidies

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> • Mandatory use at annual and interim recertifications • May be used at other times if owner suspects there may be a discrepancy in reported and actual tenant income • Serves as third party verification of employment and income. • New Admissions: <ul style="list-style-type: none"> ○ Review new admissions within 90 days after the move-in information is transmitted to TRACS to confirm/validate the income reported by the household. • Resolve discrepancies in reported income with the family within 30 days of the EIV Income Report date. 	<ul style="list-style-type: none"> • No Dispute of EIV Information: <ul style="list-style-type: none"> ○ EIV Income Report ○ Current, acceptable tenant provided documents ○ Third party verification from the source, if necessary • Disputed EIV Information: <ul style="list-style-type: none"> ○ EIV Income Report ○ Third party verification from the source for the disputed information • Tenant-reported income not verified through the EIV system: <ul style="list-style-type: none"> ○ EIV Income Report ○ Current, acceptable tenant-provided documents, and/or ○ Third party verification from the source • Any correspondence with/from tenant relating to disputes of the employment or income reported in EIV. • Form HUD-50059(s) 	<p>Tenant File</p> <p>Retain copy of Income Report and supporting documentation with applicable form HUD-50059 for term of tenancy plus 3 years.</p> <p>The O/A must make copies of any tenant provided documents and return the originals to the tenant.</p>

3. **Income Discrepancy Report** – Identifies households where there is a difference of \$2,400 or more in the wage, unemployment and SSA benefit information reported in EIV and wage, unemployment and SSA benefit information reported in TRACS for the period of income used for discrepancy analysis; The report serves as a tool to alert O/As that there may be a discrepancy in the income reported by the tenant during the period of income used for the discrepancy analysis.

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> • Mandatory use at Annual and interim recertifications. • Report may be used at other times when it is suspected that there may be an income discrepancy. • Must print the report at the same time the Income Report is printed. • Discrepancies must be reviewed and resolved at the time of recertification or within 30 days of the EIV Income Report date. • Review data in TRACS to make sure it agrees with the form HUD-50059 data. Correct any discrepant data in the TRACS database 	<ul style="list-style-type: none"> • All correspondence to/from the tenant regarding the income discrepancy. • Documentation received to resolve the discrepancy, including written third party verification of income, if applicable. • The file must be documented regardless of whether the O/A determines the discrepancy to be valid or invalid. • Corrected form HUD-50059(s), if applicable. • Repayment Agreement, if applicable 	<p>Tenant File Retain copy of Income Discrepancy Report and any documentation related to the resolution of the discrepancy, including any repayment agreements for term of tenancy plus 3 years.</p>

4. **No Income Report** – Identifies tenants who passed the SSA identity test but no income was reported by HHS or SSA; This does not mean that the tenant does not have any income. O/A must obtain written third party verification of any income reported by the tenant; “Zero” income tenants be required to disclose and O/A re-verify income at least quarterly. These are tenants who report no income at all.

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> • To be used at annual and interim recertifications. • O/A may use the report quarterly if a tenant is reporting “zero” income. • Interview tenants, asking the right questions to provide the tenant the opportunity to disclose any income. 	<ul style="list-style-type: none"> • Third party verification from income sources of other income reported by tenant, if applicable. • Correspondence/documents received for re-verification of zero income tenants. 	<p>Tenant File Any documentation or third party verifications for other income reported by the tenant for term of tenancy plus 3 years.</p>

5. **New Hires Report** – Identifies tenants who have new employment within the last 6 months. Report is updated monthly.

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> • Use at least quarterly; O/A may print report monthly to check for possible unreported changes. • Contact tenant regarding new employment • Confirm new employment with tenant. Request tenant provide documents to support current income and/or third party verification from employer, as applicable. • Process interim re-certifications to include new income, if applicable. 	<ul style="list-style-type: none"> • New Hires Report with notation of action(s) taken. • No Dispute of EIV Information: <ul style="list-style-type: none"> ○ EIV Income Report ○ Current, acceptable tenant provided documents ○ Third party verification from the source, if necessary. • Disputed EIV Information: <ul style="list-style-type: none"> ○ EIV Income Report ○ Third party verification from the source for disputed information. • Any correspondence with/from tenant relating to new employment and/or disputes of the employment or income reported in EIV. 	<p>Master File Retain New Hires Summary Report in a master “New Hires Report” file for 3 years.</p> <p>Tenant File Retain New Hires Detail Report for the tenant along with any correspondence with tenant, third party verifications, form HUD-50059(s), etc., for term of tenancy plus 3 years.</p>

6. **Existing Tenant Search** – Identifies applicants who may be receiving assistance at another Multifamily or PIH location.

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> • To be used at the time of processing an applicant for admission. • Search each applicant and applicant household member to see if receiving assistance at another location. • Discuss with tenant regarding circumstances relative to being assisted at another Multifamily or PIH property. • Follow up with respective PHA or O/A to confirm the individual’s program participation status before admission. • Coordinate move-in/out dates with PHA or O/A. 	<ul style="list-style-type: none"> • Search results for each member of the household. • Results of any contract with applicant must be recorded on and/or with the search results for affected household member. • Results of any contact with PHA, owner, management agent where applicant is reported as receiving assistance must be recorded on and/or with the search results for affected household member. 	<p>Application File If not admitted, retain search results and any supporting documentation with the application for 3 years.</p> <p>Tenant File If admitted, retain search results and any supporting documentation with the application for term of tenancy plus 3 years.</p>

7. **Multiple Subsidy Report** – Identifies tenants who may be receiving rental assistance at more than one location.

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> To be used at least quarterly Must search both queries: <ul style="list-style-type: none"> Within MF Within PIH Provide tenant opportunity to explain any circumstances relative to his/her being assisted at another location. Follow up with respective PHA or O/A, if necessary, to confirm tenant is being assisted at the other location. Depending on the results, may need to take action to terminate the assistance or tenancy and repay subsidy to HUD. 	<ul style="list-style-type: none"> Search results Documentation supporting any contacts made or information obtained to determine if household and/or household member is receiving multiple subsidies. Documentation to support any action taken if household and/or household member is receiving multiple subsidies. If a tenant’s multiple subsidies were discussed and resolved at the time of recertification, this must be noted on the printed report and no further action is required. 	<p>Master File Retain Multiple Subsidy Summary Report and supporting documentation in a master “Multiple Subsidy Report” file for 3 years.</p> <p>Tenant File Retain a copy of the Multiple Subsidy Detail Report for the tenant along with any documentation of action taken for a household member for term of tenancy plus 3 years.</p>

8. **Failed EIV Pre-Screening Report** – Identifies tenants who have missing or invalid personal identifiers (last name, date of birth, SSN) in TRACS. These tenants will not be sent to SSA from EIV for the SSA identity test; Identifies tenants who need to disclose a SSN, e.g., replace TRACS generated id number.

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> Monthly Follow up with tenants identified on the report where discrepant personal identifiers were not corrected at the time of recertification. Check accuracy of data entry, e.g., numbers not transposed in SSN. Contact tenant and confirm to verify discrepant personal identifiers Correct TRACS data within 30 days of the date of the report. 	<ul style="list-style-type: none"> Failed EIV Pre-screening Report documented with action taken to resolve invalid or discrepant personal identifiers. This report will include those persons who are exempt from the SSN disclosure and verification requirements. In these instances the O/A will note on the copy of the report retained in the “Failed EIV Pre-Screening Report” master file that tenant(s) is exempt from SSN requirements. If a tenant’s information was corrected at the time of recertification but the EIV data has not yet been updated, this must be noted on the printed report and no further action is required. 	<p>Master File Retain copy of report in a master “Failed EIV Pre-screening Report” file for 3 years.</p> <p>Tenant File Documentation to verify discrepant personal identifiers for term of tenancy plus 3 years.</p>

9. Failed Verification Report (Failed SSA Identity Test) – Identifies tenants whose personal identifiers (last name, date of birth, SSN) do not match the SSA database.

Report Use	File Documentation	Retention
<ul style="list-style-type: none"> • Monthly • Follow up with tenants identified on the report where discrepant personal identifiers were not corrected at the time of recertification. • Check accuracy of data entry, e.g., numbers not transposed in SSN. • Contact tenant and confirm to verify discrepant personal identifiers. • Correct TRACS data within 30 days of the date of the report. 	<ul style="list-style-type: none"> • Failed Verification Report (Failed SSA Identity Test) report documented with action taken to resolve invalid or discrepant personal identifiers. • If a tenant’s information was corrected at the time of recertification but the EIV data has not yet been updated, this must be noted on the printed report and no further action is required. 	<p>Master File Retain copy of report in a master “Failed EIV SSA Identity Test” file for 3 years.</p> <p>Tenant File Documentation to verify discrepant personal identifiers for term of tenancy plus 3 years.</p>

NOTE: The EIV reports described above will be printed and used in accordance with procedures outlined above. The one exception to this is if there is an allegation or suspicion of fraud on the part of a tenant. Any/all applicable reports may be run in order to determine if fraud is/has been occurring.

10. Rules of Behavior (ROB)

- a. **With EIV System Access: All users who have access to the EIV system must adhere to the EIV ROB signed at the time of requesting access to the EIV system.**
 - i. External users: The signed initial and current online (unsigned) access authorization forms containing the ROB must be kept on file along with the owner approval letters. Upon request, the forms must be made available to the entity monitoring EIV compliance.
 - ii. Internal Users: A copy of the signed ROB will be kept on file by the TRACS/EIV Security Officer and a signed copy should also be retained by the EIV user.
 - iii. Each HUD Program Center and Contract Administrator must have at least two staff members with access to the EIV system who can provide other staff members with EIV reports used for monitoring purposes.
- b. **Without EIV System Access:**
 - i. SEK-CAP staff who do not have access to the EIV system but who view or use EIV data/reports provided by authorized EIV Coordinators or EIV Users in order to perform their job functions, must adhere to the EIV ROB posted on the Multifamily EIV website at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/rulesofbehavior.pdf>.
 - ii. IPAs hired by the owner to perform a financial audit must adhere to the ROB posted on the Multifamily EIV website at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/rulesofbehavior.pdf>. The ROB must be signed by the IPA and kept on file. Upon request, the signed ROB must be made available to the entity monitoring EIV compliance.

11. Security Training

- a. EIV Users are required to have security training annually. EIV Users authorized by owners to have access to EIV on their behalf must complete the applicable online Security Awareness Training upon initial access to the system and annually thereafter.
- b. EIV Users should:
 - i. Review Section 4 on Security contained in the Multifamily EIV User Manual for Multifamily Housing Program Users posted at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/usermanual.pdf>
 - ii. Review the EIV Security Administration Manual posted at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/securityadminmanual.pdf>

- iii. View the Security training provided during the most recent EIV webcast, posted at: <http://www.hud.gov/webcasts/archives/multifamily/cfm>, and
- iv. O/A staff who do not have access to EIV but who use EIV reports to perform their job function must have security training annually.

NOTE: Security training as part of HUD's most recent EIV webcast will satisfy the annual security training requirements. HUD will not provide certificates for completing the training. O/As and Cas must keep a file of who took the training and when for auditing purposes.

12. Safeguarding EIV Data

- a. Technical Safeguarding of Data
 - i. All individuals who have access to the EIV system must have a valid WASS User ID and password and must use this ID and password for accessing EIV. Upon receipt of the assigned WASS User ID, an individual must then apply to be approved for access to the EIV system.
 - ii. To assist in ensuring that only those individuals who have a need to use the EIV system to perform their job function have access to the EIV system, users must be certified to use the system:
 - 1. EIV Coordinators are certified at initial access and annually thereafter.
 - 2. EIV Users are certified at initial access and bi-annually thereafter. If this certification is not made, the user's EIV access is terminated.
 - iii. Security Awareness Training Questionnaire, which supplements required annual security training, must be completed at the time of initial access to the system and annually thereafter. The EIV system is designed to block the entry of those individuals who have not successfully completed the questionnaire (i.e., answered 90 percent of the questions correctly).
- b. Administrative Safeguards
 - i. Policies and procedures must be established to govern the use of the EIV system. These procedures should address:
 - 1. Authorized use of the EIV system (see above)
 - 2. How to handle security breaches: If a security breach would ever occur, it would be handled by contacting HUD for guidance on how to proceed given the fact that the nature of a security breach could likely determine the type of sanction that would be required.
 - 3. Destruction of EIV data (see below)
 - a. EIV manuals and the instructions in this Notice should be reviewed when implementing these administrative safeguards.
 - b. Posting of bulletins and flyers can assist in communicating how sensitive EIV data is and how this data should be handled.
- c. Physical Safeguards – Physical safeguarding of EIV data refers to steps that must be taken to help ensure the data is safe when stored electronically or in hardcopy and when transmitting data electronically.
 - i. Storing and Transmitting of Electronic EIV Data
 - 1. EIV data stored electronically must be in a restricted access directory or, if placed on portable media, labeled appropriately and encrypted using a NIST compliant vendor. Similarly all emails containing EIV data must be encrypted using a NIST compliant vendor. A list of compliant vendors can be found at: <http://csrc.nist.gov/groups/STM/vmvp/documents/140-1/1401vend.htm>.
 - 2. The full nine-digit SSN for a tenant must not be included in emails or other electronic communications.

NOTE: The downloading of EIV data to mobile devices is not allowed for IPAs.
 - ii. Hardcopy EIV Data: EIV data that is printed out must not be left unattended. The documents should be retrieved as soon as they are printed and, if possible, use a restricted printer, copier, or facsimile machine. When faxing EIV data, ensure there is someone waiting and ready to retrieve the fax as soon as it is received (printed). All printed EIV

documents will be kept in a locked cabinet which is in a locked file room with a sign restricting access to authorized staff only. Only those staff that have completed the necessary/required training will be allowed access to the file room.

iii. Computer Security:

The EIV system is set up to time out after 30 minutes of inactivity. This automatic safeguard should not be the only security measure taken. Individuals who use the EIV system should use a password protected screensaver and lock their computer when leaving their workspace. A user should not leave a computer unattended with EIV data displayed on the screen. It is also recommended that the EIV system be exited using the "X" at the top right of the screen which will remove the user from the entire WASS system.

13. Retention of EIV Reports

a. O/As MUST retain:

- i. The Income Report, the Summary Report(s) showing Identity Verification Status as "Verified" and the Income Discrepancy Report(s) and supporting documentation must be retained in the tenant file for the term of tenancy plus three years.
- ii. Any tenant provided documentation, or other third party verification of income, received to supplement the SSA or NDNH data must be retained in the tenant file for the term of tenancy plus three years.
- iii. Results of the Existing Tenant Search must be retained with the application:
 1. If applicant is NOT admitted, the application and search results must be retained for three years.
 2. If applicant is admitted, the application and search results must be retained in the tenant file for the term of tenancy plus three years.
- iv. The master files for the New Hires Report, Identity Verification Reports, Multiple Subsidy Report, Deceased Tenants Report must be retained for three years.

b. Once the retention period has expired, O/As must dispose of the data in a manner that will prevent any unauthorized access to personal information, e.g., burn, pulverize, shred, etc.

14. Destroying EIV Data

EIV data must be destroyed as soon as it has served its purpose as prescribed by HUD's policies and procedures and in accordance with HUD's prescribed retention period. Shredding, burning, or pulverizing are all examples of acceptable ways to destroy EIV data. SEK-CAP will use shredding as the primary and preferred means of destroying EIV data when required.

SEK-CAP dba Crawford County Housing Authority
Emergency Transfer Plan for Victims of Domestic Violence,
Dating Violence, Sexual Assault, or Stalking

Emergency Transfers

SEK-CAP is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ SEK-CAP allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of SEK-CAP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether SEK-CAP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that **SEK-CAP** is in compliance with VAWA.

Eligibility for Emergency Transfers

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

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

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

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

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify SEK-CAP's Central Office and submit a written request for a transfer to another available unit. SEK-CAP will provide an Emergency Transfer Request, HUD form 5383, upon notification by the tenant. SEK-CAP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request (HUD form 5383) for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under SEK-CAP's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

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

Emergency Transfer Timing and Availability

SEK-CAP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. SEK-CAP will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. Whenever possible, unit inspections will be expedited for tenants who are eligible for an emergency transfer. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. SEK-CAP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If SEK-CAP has no safe and available units for which a tenant who needs an emergency is eligible, SEK-CAP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, SEK-CAP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

**Local Resources for Victims of Domestic Violence,
Dating Violence, Sexual Assault, or Stalking**

Agency	Phone Number	Location
Safehouse Crisis Center	(800)794-9148 (24/7 hotline)	Pittsburg, KS
Hope Unlimited	(620)365-7566	Iola, KS
SAFEHOME	(913)262-2868 (24/7 hotline)	Overland Park, KS
Kansas Crisis Hotline	(888)262-2287	Kansas Statewide
Lafayette House	(800)416-1772	Joplin, MO