



**HOUSING AUTHORITIES
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**TENANT SELECTION PLAN FOR THE
EUREKA FAMILY HOUSING PROPERTY**

Management Agent: City of Eureka Housing Authority

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EUREKA HOUSING AUTHORITY

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INTRODUCTION

The Eureka Housing Authority, a Public Housing Authority (PHA) has prepared this Tenant Selection Plan (TSP) in accordance with the multifamily housing regulations for Section 8 New Construction (project based) subsidized housing. The EFH tenant selection plan establishes a set of policies which are consistently applied to all residents and applicants regarding tenant selection and ongoing occupancy. This plan is designed to promote fairness and uniformity in tenant selection and efficiencies in the processes used by this agency in its operations of these properties. The procedures contained in this TSP have been established in compliance with the Department of Housing and Urban Development (HUD) Occupancy Handbook 4350.3, as amended, and all other applicable federal statutes and regulations.

These units are designated to serve a multi-family, mixed resident population. Qualifying economic income limits are low to moderate as published by HUD each year for Humboldt County.

All reasonable efforts will be made to offer reasonable accommodations as requested by applicants and participants with disabilities and/or Limited English Proficiency (LEP) during the application process, as well as during tenancy and for all processes. Staff-provided assistance will be available upon request for all services this agency offers. At any time, the applicant(s) may bring an individual(s) with them to help with any process, if desired.

AMENDING THE TENANT SELECTION PLAN

The PHA will review and update the TSP as needed to reflect changes in regulations, the PHA's operations, or when needed to ensure staff consistency in operations. The PHA will seek HUD approval on the TSP when required to do so.

This TSP will be made available for public viewing on the City of Eureka Housing Authority's website and at this agency's office during normal business hours. When an applicant or participant requests a printed copy of this agency's TSP, the PHA will provide copies to them at a charge equal to the current published rate under MGO 3.70.

NONDISCRIMINATION REQUIREMENTS

Equal Access Rule: The City of Eureka Housing Authority (CEHA) is an Equal Housing Opportunity Organizations and does not discriminate based on age, race, color, creed, national origin, gender, gender identity, genetic makeup, religious affiliation, sex, disability, physical or mental disability, HIV/AIDS, familial status (familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), marital status, citizenship, actual or perceived sexual orientation, or any other basis protected by federal, state or local law. [HUD Final Rule published February 3, 2012]

Family: Includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following: 1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or, 2) A group of persons residing together, and such group includes, but is not limited to: a) a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); b) an elderly family; c) a near-elderly family; d) a disabled family; e) a displaced family; and, f) the remaining member of a tenant family.

The PHA will not use any of these factors to take any of the actions listed below:

- Deny to any family the opportunity to apply to rent housing that is open for application, or deny to any qualified applicant the opportunity to participate in the EFH's housing program;
- Provide housing that is different from that provided to others;
- Subject anyone to segregation or disparate treatment;
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;

- Steer an applicant or tenant toward or away from a particular area based on any of these factors;
- Deny anyone access to the same level of services;
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program;
- Discriminate in the provision of residential real estate transactions;
- Discriminate against someone because they are related to or associated with a member of a protected class;
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class.

Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify the Eureka Housing Authority (EHA) either orally or in writing and the EHA will attempt to remedy discrimination complaints made against EFH. The EHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHOO). Form HUD-903.1 (1/02).

FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS

It is this agency's policy to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order (E.O.) 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act Amendments of 1988, E.O. 13166 and any legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted.

It is the policy of this agency, pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities. Questions and inquiries regarding applicant treatment relative to Section 504 of the Rehabilitation Act of 1973, the Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, EO 11063, EO 13166 or the Fair Housing Act Amendments of 1988 should be addressed by mail to the following person: Eureka Housing Authority, 504 Coordinator, 735 W. Everding St. Eureka, CA 95503, (707) 443-4583. This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property

This agency will do due diligence to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all applicants or residents. In accordance with Section 504, the property will make reasonable accommodations for individuals with disabilities as well as for individuals with Limited English Proficiency (LEP).

The PHA will take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the programs and services offered by this agency [24 CFR 8.6]:

- To meet the needs of persons with hearing impairments, the PHA will provide an e-mail address on all written communications.
- To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with PHA staff, one-on-one assistance will be provided upon request.
- Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third-party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

LIMITED ENGLISH PROFICIENCY (LEP)

Management complies with EO 13166 in its efforts to improve access to all of its program activities for persons who, as a result of national origin, are limited in their English proficiency. The PHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

The PHA will take reasonable steps to ensure meaningful access to the information and services they provide for persons with Limited English Proficiency (LEP). Persons with LEP include those who are housing applicants and resident families, who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. In order to determine the level of access needed, the PHA will balance the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the PHA's housing program;
2. The frequency with which LEP persons come into contact with the programs offered within this agency's jurisdiction;
3. The nature and importance of the program, activity, or service provided by this agency; and
4. The resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on this agency.

The PHA will monitor contacts it has with the public, to assess language needs and decide what reasonable steps should be taken, if any. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits. Where feasible the PHA will pool resources with other agencies and standardize documents and encourage the use of qualified community volunteers. When LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA. The interpreter may be a family member or friend.

The PHA will take the following steps when approaching the replacement of written text from one language into an equivalent written text in another language:

- Provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

If it is determined that the PHA serves very few LEP persons, and has very limited resources, the PHA will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants, will be contacted for input into the process.

REASONABLE ACCOMMODATIONS

Under the Fair Housing Act, the PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the housing program. The PHA will ask all applicants and resident families if they require any type of accommodation, in writing, on intake applications, reexamination documents, and notices of adverse action by the PHA, by including the following language:

If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the Housing Authority at (707) 443-4583.

Definition

A “reasonable accommodation” is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act] Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

Request for an Accommodation

An applicant or participant must explain what type of accommodation is needed to provide the person with the disability full access to the PHA’s programs and services. If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability. The PHA will encourage the family to make its request in writing using a reasonable accommodation request form, and the reasonable accommodation request form must be submitted within 10 business days. However, the PHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted. If an informal request is made by the family, the family must explain what type of accommodation is needed to the PHA within 10 business days.

Verification of Disability

The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances. See Exhibit 1, for the definition of a person with a disability under federal civil rights laws. Before providing an accommodation, it must be determined that the person meets the definition of a person with a disability, and that the accommodation will enhance the family’s access to programs and services.

If a person’s disability is obvious or otherwise known, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

All information related to a person’s disability will be treated in accordance with the PHA’s confidentiality policies. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual’s disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.

- In the event that the PHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, this agency will dispose of it. In place of the information, it will be noted in the file that the disability and other requested information has been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

Approval/Denial of Request for a Reasonable Accommodation

Requests for accommodations will be assessed on a case-by-case basis and the PHA will approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA or fundamentally alter the nature of the PHA's operations.

After a request for an accommodation is presented, the PHA will acknowledge receipt of the request in writing within 10 business days. Once all necessary documentation has been received, the PHA will process and make its final decision on whether to grant or deny the reasonable accommodation request within a reasonably prompt period of time, taking into account the need for verifications and an interactive process. If the PHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the operations or otherwise does not meet applicable criteria of reasonableness), the PHA will invite the family to discuss whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the housing program and without imposing an undue financial or administrative burden.

If the PHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, or if the family fails to participate in the discussion, the PHA will notify the family, in writing, of its determination within a reasonable amount of time from the date of the most recent discussion or communication with the family. If the family disagrees with the decision to grant or deny a request for reasonable accommodation, the family may request an additional meeting as an appeal of the decision through an informal hearing (if applicable).

Reasonable Accommodation in Denial of Admission

If the family includes a person with disabilities, the PHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8. If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, the PHA will ask for information to determine whether the behavior is related to the disability and whether an accommodation will alleviate the behavior. The family must make the reasonable accommodation request within 10 days from the date of the denial notice. Upon the family's request, the PHA will determine whether alternative measures are appropriate as a reasonable accommodation. The PHA will only consider accommodations that can reasonably be expected to address the behavior, action, or non-action that is the basis of the proposed denial of admission. If a request for an accommodation has been made, the PHA will consider disability-related circumstances when deciding to admit or deny an applicant. The agency may provide an exception to PHA rules, policies, practices, or services, but will not lower or waive the essential eligibility requirements of the housing program, as doing so would alter the fundamental nature of the program. Even for a family that includes a person with disabilities, the PHA will not grant exceptions for the following:

- Individuals currently using controlled substances illegally;
- Individuals who abuse alcohol to the detriment of others;

- Convicted sexual offenders who are required to register under any state;
- Individuals who have been evicted from federally assisted housing due to drug-related criminal activity within the previous three years, unless a PHA approved rehabilitation program has been successfully completed.

Even with accommodation, the PHA is not required to admit the following:

- Individuals who are not “otherwise qualified” for the housing program.
- Individuals who would cause undue financial and administrative burdens, or would require a fundamental alteration in the nature of the housing program.
- Individuals whose request for accommodation is not necessary or will not be effective.

PRIVACY ACT REQUIREMENTS [24 CFR 5.212]

§5.212 Compliance with the Privacy Act and other requirements.

(a) *Compliance with the Privacy Act.* The collection, maintenance, use, and dissemination of SSNs, EINs, any information derived from SSNs and Employer Identification Numbers (EINs), and income information under this subpart shall be conducted, to the extent applicable, in compliance with the Privacy Act (5 U.S.C. 552a) and all other provisions of Federal, State, and local law.

It is the policy of this property to guard the privacy of individual’s information in compliance with the Privacy Act of 1974. Therefore, neither the PHA nor its agents shall disclose any personal information contained in its records to any person or agency unless required by law, or unless the individual about whom information is requested shall give written consent to such disclosure.

Applicants and participants, including all adults in the household, are required to sign HUD-9887 and HUD-9887A consent forms. These forms incorporate the Federal Privacy Act Statement and describe how the information collected using the form may be used, and under what conditions HUD or the PHA may release information collected.

All applicant and participant information will be kept in a secure location and access will be limited to authorized PHA staff. The PHA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action. Information may be released to appropriate federal, state, and local agencies when relevant, and to civil, criminal, or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released unless that individual gives written authorization to do so.

This privacy policy in no way limits the PHA’s ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant’s suitability for tenancy or for continued occupancy for participants, this includes all adults in the household. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability status will be treated in a confidential manner.

VIOLENCE AGAINST WOMEN ACT (VAWA)

Overview

The Final Rule of Violence Against Women Reauthorization Act of 2013 (VAWA) protects applicants and residents who are victims of domestic violence, dating violence, stalking or sexual assault from being denied housing, evicted or terminated from housing assistance when the Adverse Factors leading to such denial, eviction or termination are the direct result of the domestic violence, dating violence, stalking, or sexual assault they have suffered.

Definitions [24 CFR 5.2003]

The term *bifurcate* means, with respect to an EFH program lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship;
- The frequency of interaction between the persons involved in the relationship.

The term *domestic violence* includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse or intimate partner of the victim
- by a person with whom the victim shares a child in common
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term *affiliated individual* means, with respect to a person:

- A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in the position or place of a parent or guardian; or
- Any individual, tenant, or lawful occupant living in the household of that person.

The term *sexual assault* means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

The term *stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's individual safety or the safety of others; or
- Suffer substantial emotional distress.

Notification [24 CFR 5.2005(a)]

EFH will post information regarding VAWA on its Web site. Information about VAWA will be included with housing application materials and in notices of denial of assistance.

EFH will provide all tenants with information about VAWA at the time of admission. Whenever EFH has reason to suspect that providing information about VAWA to a tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

Documentation [24 CFR 5.2007]

Any request for documentation of domestic violence, dating violence, or stalking will specify a deadline of 10 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline. The individual may satisfy EFH's requirements by providing any one of the following three forms of documentation:

1. A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator;
2. A federal, state, tribal, territorial, or local police report or court record;
3. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incident in question are bona fide incidents of abuse. The victim must also sign the documentation.

If presented with conflicting certification documents (two or more HUD-5382 forms) from members of the same household, EFH will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

EFH has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence (i.e., without requiring formal documentation of abuse). If EFH accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, or stalking, EFH will document acceptance of the statement or evidence in the individual's file.

In order to deny relief for protection under VAWA, EFH must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 10 business days from the date of receipt, or such longer time as EFH may allow, EFH may deny relief for protection under VAWA.

Confidentiality [24 CFR 5.2007(b)]

All information provided to EFH regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that EFH:

1. May not enter the information into any shared database;
2. May not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work; and
3. May not provide the information to any other entity or individual, except to the extent that the disclosure is:
 - a. requested or consented to by the individual in writing;
 - b. required for use in an eviction proceeding; or
 - c. otherwise required by applicable law.

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, EFH will inform the victim before disclosure occurs so that safety risks can be identified and addressed. See Exhibit 1. For additional information or any questions regarding VAWA, please contact the housing authority's Community Liaison at 707.443.4583 ext. 211.

ELIGIBILITY REQUIREMENTS

Overview

The PHA is responsible for ensuring that every individual and family admitted to the housing program meets all program and project eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the PHA to

confirm eligibility and determine the level of the family's assistance [24 CFR 880.601(b)] to be eligible for multifamily housing developments covered under this tenant selection plan.

The applicant family must:

- Qualify as a family as defined by HUD and the PHA;
- Have income at or below HUD-specified income limits;
- Qualify on the basis of citizenship or the eligible immigrant status of family members;
- Provide social security number information for family members as required [PHA 2012-10 (HA)];
- Consent to the PHA's collection and use of family information as provided for in PHA-provided consent forms;
- Qualify to reside in the unit based on income, rent or targeted restrictions for that unit;
- Provide information or access to allow the PHA to determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the PHA.

Definitions *Family* [24 CFR 5.403]

To be eligible for admission, an applicant must qualify as a family. *Family* as defined by HUD, includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- a single person, who may be elderly and/or disabled; or
- a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.

A family also includes two or more individuals who:

- are not related by blood, marriage, adoption, or other operation of law;
- intend to remain in a family relationship and share residency; and
- are currently living together in a family relationship under one roof or have a history as a family unit and can show evidence of a stable family relationship by:
 - demonstrating that they have lived together previously; or
 - demonstrating that each individual's income and other resources are shared and will be available to meet the needs of the family

Families who meet these criteria will not be awarded an extra bedroom. Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

Elderly Family [24 CFR 5.100, 5.403]

A family whose head or spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Disabled Family [24 CFR 5.403]

A family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

Person with Disabilities [24 CFR 5.403]

A person with disabilities for purposes of program eligibility:

(1) Means a person who:

(i) Has a disability, as defined in 42 U.S.C. 423;

- A. Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
- B. In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i)(1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.

SOCIAL SECURITY NUMBER (SSN) REQUIREMENTS

The regulation at 24 CFR 5.216 now requires that assistance applicants and tenants, excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status, to disclose and provide verification of the complete and accurate SSN assigned to them. The requirement to disclose and provide verification of a SSN is no longer limited to those assistance applicants and tenants six years of age and older. HUD NOTICE: H 10-08. Issued: April 13, 2010.

In order to determine eligibility and offer a unit, HUD requires every household member, including live-in aides, foster children and fostered adults (unless the household is an Exception as noted in 1) to have a Social Security Number (SSN).

The family must provide (for management to copy) a valid Social Security card (SSC) issued by the Social Security Administration for each household member regardless of age:

- If the household member cannot produce his/her valid SSC, the following alternative document must be provided as documentation:
 - Original documentation from the SSA showing the missing SSC has been applied for. This document must show the name and SSN of the person and will be accepted until the SSC has been received by the family.
 - Documents that have been altered, mutilated or are not legible, or that appear to be forged, will be rejected.
 - In this case, management will explain the reason why the document is not acceptable and will request the submission of acceptable documentation within a reasonable time frame prior to a unit being offered.

After the electronic transmission of the Move-In certification, the SSN will be verified via the Enterprise Income Verification (EIV) computer matching program with the Social Security Administration and a copy of that verification will be retained in the tenant file.

- (1) Exceptions:
 - (a) Individuals who acknowledge that they are not entitled to housing assistance because they do not have eligible immigration status.
 - (b) This is documented by the household member's Citizenship Declaration showing that the individual did not contest eligible immigration status. Mixed households with unassisted, ineligible noncitizens can be admitted with prorated assistance, even though the unassisted individuals do not have SSN documentation.
 - (c) Household members who were age 62+ as of 1/31/10 AND whose initial determination of eligibility had already begun prior to 1/31/10.

- (2) Timeframes for providing Social Security Numbers and documentation:
 - (a) An applicant may not become a participant in the program unless the applicant submits the required SSN documentation to the PHA. The applicant must provide SSN documentation to the PHA within 60 days from the date on which the applicant certified that the documentation was not available.
 - (b) If the owner has determined that the applicant is otherwise eligible for admission into the property and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for the 60-day period during which the applicant is trying to obtain documentation.
 - (c) After 60 days, if the applicant has been unable to supply the required SSN documentation, the applicant should be determined ineligible and removed from the waiting list.

- (3) Each family member must have U.S. citizenship, naturalization, and/or verified eligible immigration status, if under 62 years of age, to qualify for subsidy.

- (4) A person claiming to be an eligible non-citizen who is under age 62, must sign a Verification Consent Form and present one of the following documents, along with the completed application before eligibility can be determined.
 - (a) Form I-551, Alien Registration Receipt Card (for permanent resident status)
 - (b) Form I-94, Arrival/Departure Record, with one of the following annotations: (i) "Admitted as refugee Pursuant to section 207", (ii) "Section 208" or "Asylum", (iii) "Section 243(b)" or "Deportation stayed by Attorney General", or (iv) "Paroled Pursuant to Sec. 212(v)(5) of the Immigration and Nationality Act (INA)".
 - (c) If Form I-94 is not annotated, one of the following documents must be provided: (i) final court decision granting asylum, but only if no appeal is taken, (ii) Letter from a Department of Homeland Security (DHS) asylum officer granting asylum (if application was filed on/after 10/1/90), or from a DHS district director granting asylum (if application was filed before 10/1/90), (iii) Court decision granting withholding of deportation, or (iv) letter from a DHS asylum officer granting withholding of deportation (if application was filed on/after 10/1/90)
 - (d) Form I-688, Temporary Resident Card, which must be annotated "Section 245A" or "Section 210"
 - (e) Form I-688B, Employment Authorization Card, which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law 274a.12."
 - (f) Receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant's entitlement to the document has been verified
 - (g) Form I-151, Alien Registration Receipt Card All persons claiming to be eligible non-citizens, who are under age 62, will have their citizenship eligibility status verified through the computerized SAVE System provided by the Department of Homeland Security (DHS).

- (5) If secondary verification is necessary and is not provided within the SAVE System, immigration status will be verified using the paper process. A completed Document Verification Request, Form G-845S, and photocopies of the immigration documentation provided by the applicant will be mailed to the local immigration office to receive verification of the validity of the documents.
- (6) Student Eligibility. An individual 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 must meet all of the following criteria to be eligible:
 - (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, or
 - (c) Meet the U.S. Department of Education's definition of an independent student,
 - (d) Not be claimed as a dependent by parents or legal guardians under IRS regulations, and
 - (e) Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support, even if no assistance will be provided.
- (7) The applicant must have previously demonstrated a housing history or an ability to pay rent and adhere to a lease. Applicants will not be rejected due to a lack of rental history, but may be rejected for a poor rental history.

APPLICATION INTAKE AND PROCESSING

It is the policy of this property to accept and process applications in accordance with applicable HUD Handbooks and regulations. Applications can be obtained in the office located at 735 W. Everding Street, Eureka, CA during regular business hours. All applications submitted must be complete with all requested/required documentation. If, due to a disability, an applicant is unable to complete an application, a third party can assist in the completion of the form. Every application must be completed and signed by the head of household and all additional household members 18 years of age or older. All of the members of the household must be listed on the application. Completed applications and all required documents can be returned to the office in person during regular business hours or mailed to the property address listed above.

- All applicants will be provided with HUD Form 92006, Supplement to the Application. This form gives applicant households the option of including contact information. Although the applicant is not required to provide another contact, the applicant must complete the form with printed name, address, telephone number, plus signature and date; then return the form along with the completed application.
- Upon determination that the application is completed, staff will add the date and time the application was received, followed by the initials of the person accepting the application. The applicant will be added to the waiting list(s), if applicable. All applications will be kept at the property or its file storage locations. If the application received is not fully complete (including any required documents) and/or is not signed/dated by all household members aged 18 years or older the applicant will be notified by letter that their application was found to be incomplete and given ten (10) business days to complete the application. The incomplete application will not be returned to the household. If after the allotted amount of time the application is still incomplete the family may reapply for any program(s) open for application.

Applicant Screening Process

Listed below are the criteria and methods used to review the household's application:

- EIV Existing Tenant Search. Owners/Agents (O/As) must use the Existing Tenant Search in the Enterprise Income Verification (EIV) system, a computerized database, as part of their screening

criteria for new tenants and must include written policies for using the search in their Tenant Selection Plan. Use of the EIV Existing Tenant Search must be addressed in the O/A's Tenant Selection Plan. Use of all other EIV reports must be addressed in the O/A's policies and procedures. HUD NOTICE: H 10-08. Issued: April 13 2010.

- Current residence in other HUD assisted housing
 - (1) Applicant households must disclose if any household member is currently receiving HUD housing assistance. Households are not permitted to receive assistance in multiple households for the same time period, or to receive assistance if more than one residence will be maintained.
 - (2) HUD provides management with information about whether each applicant receives HUD
 - (3) assistance and where that residence is located.
 - (4) Management will use the EIV Existing Tenant Search report to identify household members who currently reside in HUD's Public and Indian Housing (PIH), or Multifamily (MF) programs.
 - (a) This report will be printed for each member of the applicant family when processing the applicant for admission, prior to offering a unit.
 - (b) If any family member is currently living in another PIH/MF assisted unit, plans to vacate that unit will be discussed with the applicant. Move-Out/Move-In dates will be coordinated with management at the other assisted property to avoid HUD being billed for double subsidy.
 - (c) Results of discussions with the applicant and/or other site will be recorded on the Existing Tenant Search.
 - (d) For applicants who move into the property, the Existing Tenant Search report(s), along with all documentation, will be kept in the tenant file with the application for the term of tenancy plus three years. For applicants who do not move in, the report(s) and documentation will be retained with the application for three years.
- Applicants living in other HUD-assisted housing may apply to this property. However, the applicant must move out of the current property before HUD assistance can begin at this property. Special circumstances exist:
 - for minor children where both parents legally share 50% custody, and
 - for HUD-assisted household members in another property who are moving in order to establish a new household, when remaining family members will stay in the old unit.
- If any member of the applicant household fails to accurately disclose his/her rental status, the application may be denied based on "misrepresentation of information." After move-in, if any household member receives, or tries to receive, HUD housing assistance at another property while still living at this property, the household will be required to repay HUD for all overpaid assistance.

Criminal Background Check

- (1) This property will prohibit admission of any household containing any member who was evicted in the last three years from federally assisted housing for drug-related criminal activity.
- (2) Criminal history checks of convictions and outstanding warrants will be completed with a professional criminal and credit checking agency.
 - (a) Conviction or adjudication other than acquittal of any household member for violent criminal activity will result in the rejection of the application.
 - (b) Any household containing any member with past convictions, or with outstanding warrants due to drug-related criminal activity will be rejected.
 - (c) Any conviction or adjudication other than acquittal within the past 5 (five) years which involved injury to a person or property will result in the application being rejected.

- (d) Any conviction or adjudication other than acquittal for the passing of worthless checks, credit card fraud, theft from employer, embezzlement, forgery, welfare fraud, identity theft or worker's compensation fraud within the past 5 (five) years will result in the application being rejected.
 - (e) Any conviction or adjudication other than acquittal for the sale, distribution, or manufacture of any controlled or illegal substance, as well as any conviction or adjudication other than acquittal within the past 5 (five) years involving illegal use or possession of any controlled or illegal substance will result in the application being rejected.
 - (f) Any conviction or adjudication other than acquittal, for any sexual offense will result in the application being rejected.
 - (g) Any conviction or adjudication other than acquittal which involved bodily harm to a child will result in the application being rejected.
- (3) If the determination is made by the management agent to deny admission to the applicant, the entity making the determination must:
- (a) Notify the applicant of the proposed denial of admission.
 - (b) Provide the subject of the record and the applicant with a copy of the information the action is based upon.
 - (c) Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

Sex Offender Registry Check

No member of the applicant family may be considered eligible if that person is listed on any state's sex offender registry.

Credit checks

Credit checks will be run for all applicants. Credit checks will be conducted by a third party. The third party will provide a credit report on all adult applicants at no cost to the applicant.

Applicants may be rejected for a poor credit history but cannot be rejected for lack of a credit history. All applicant rejections will be made in writing and will include specific reason(s) for the rejection. The rejected applicant has the right to respond, in writing, within 10 business days, to request a meeting to dispute the rejection. Persons with disabilities have the right to request reasonable accommodations to participate in the grievance process. Management will provide a written determination to the applicant within 5 (five) business days after all verification has been received by either applicant and/or third party.

Applicants may be rejected if any of the following credit information is found:

- (a) Applicant currently has outstanding collections, regardless of type.
- (b) Applicant has had more than one previous non-payment procedure in housing court during the past 3 (three) years. Applicant may be considered if applicant has proof of repayment of the debt or a repayment agreement that is in good standing with said creditor. Proof of repayment must be a statement of satisfaction from creditor, court, or other legal proof.
- (c) Applicant has left owing any major utility provider, such as power, water, sewer and garbage.
- (d) Credit shows a pattern of repeated insufficient funds.

Rental History

- If any household member was a previous resident at this property, the tenant file and/or archived information will be checked. If there is documentation that the tenant was notified of rules violations or lease violations, the application may be rejected. Previous landlords will be contacted to ask for

comments regarding the applicant’s rental history. Acceptable topics of discussion include but are not limited to: cooperation with recertification processes, compliance with the lease and house rules, housekeeping, determining if the applicant paid rent on time and/or left the property with any unpaid balances, damages beyond normal wear and tear, eviction(s), neighborhood complaints and unauthorized guests and/or pets.

- (a) An applicant household will be rejected if any member of the household has left another HUD-assisted property owing overpaid HUD assistance, unpaid rent, or damages charges.
- (b) An application may be rejected if the household has been evicted from a previous residence or has a history of lease violations within the past 5 (five) years.
- (c) This property will reject a household in which any member is currently engaged in illegal use of drugs or which shows a pattern of illegal drug use that may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.
- (d) The property may reject a household in which any member shows a pattern of alcohol abuse that may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.

Occupancy Standards

The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

- Persons of the opposite sex (other than spouses, and children under age 5) will not be required to share a bedroom.
- Persons of different generations will not be required to share a bedroom.
- Live-in aides will be allocated a bedroom. No additional bedrooms will be provided for the live-in aide’s family.
- Single person families will be allocated a one bedroom.
- Foster children will be included in determining unit size only if they will be in the unit more than six months.

The PHA will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
1	1	3
2	2	5
3	3	7

Determination of Applicant Eligibility and Compliance with resident selection guidelines.

Application Acceptance and Rejection

Information needed to determine applicant eligibility will be obtained, verified and the determination of applicant eligibility performed, in accordance with HUD and property eligibility requirements. Eligible applicants will be placed on the waiting list(s), and will be promptly issued a preliminary notice of eligibility or a rejection notice, as appropriate. The property complies with applicant rejection requirements set forth in the HUD Handbook 4350.3. Management 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:

- (1) Misrepresentation: Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.
- (2) Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior: Includes documented instances of 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. An applicant's or any family member's behavior toward the property manager and other staff will be considered as indicative of future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward property staff will be noted in the file.

- (3) Violent Behavior: Includes documented evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.
- (4) 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 shelter to unauthorized persons, keeping unauthorized pets, or other acts in violation of rules and regulations.
- (5) Owing Prior Landlords: Applicants who owe a balance to **a** present or prior landlord(s) **may** not be considered for admission until **either the** account is paid in full and **/or** 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. Record(s) of eviction or termination of assistance from any assisted housing program regarding lease and/or program violations will be checked and determination of suitability made per HUD regulations.
- (6) Ineligible Students: Applicant households whose members include an ineligible student who is enrolled in an institution of higher education as noted in Section 3.I (Program Eligibility Requirements/Student Eligibility).
- (7) Unsanitary or Hazardous Housekeeping: Includes creating any health or safety hazard through acts of neglect, and/or causing or permitting any damage to, or misuse of premises and equipment; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to reasonably and properly use 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 damage to the premises.
- (8) Criminal Activity: Management has established a policy as defined in Section 5.B
- (9) Social Security Number Documentation: Management has established a policy as defined in Section 3.B.1.

Any items which result in the denial of the applicant must be documented, and appropriate verification forms/letters placed in the applicant's file.

Applicants who require Reasonable Accommodations, including Live-In Aides

The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") are jointly responsible for enforcing the federal Fair Housing Act;

- (1) The Act prohibits discrimination in housing on the basis of race, color, religion, sex (including gender, gender identity, sexual orientation, and sexual harassment), national origin, familial status, and disability;
- (2) One type of disability discrimination prohibited by the Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling;
- (3) Joint Statement of HUD and DOJ. *May 17, 2004.*

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service and/or live in a dwelling unit.

For reasonable accommodations to apply there are several requirements.

- (1) First, the applicant must have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by HUD.
- (2) Next, the disability must have a direct correlation to the accommodation being requested by the applicant. The applicant must request a reasonable accommodation in writing and provide the reason why there is a need for the accommodation.
- (3) Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the property.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations, the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program. Reasonable accommodations may include changes in the method of administering policies, procedures, or services. In providing reasonable accommodations or performing structural modifications for otherwise qualified individuals with disabilities, the property is not required to:

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

If the site is unable to make a reasonable accommodation due to a resulting financial burden, the applicant may, at his/her own expense, make the accommodation after structural approval by management. Management may require that the tenant remove the accommodation (or have it removed) upon vacating the unit.

Live-In Aides are considered to be a reasonable accommodation. Property management must obtain verification that the Live-In Aide is needed to provide necessary supportive services essential to the care and well-being of the individual and that there is a disability related need for the Live-In Aide. This verification will be obtained from the individual's physician, medical practitioner, psychiatrist *or* psychologist.

- A. The Live-In Aide cannot stay in the unit as a remaining family member once the tenant who needs the services leaves the unit or dies. Live-In Aides who violate any of the property's House Rules will be subject to eviction. Live-In Aides must meet the same screening criteria prior to move-in as any other applicant with the exception of credit checks.

Waiting List Management

HUD regulatory preference is given to applicants who have been displaced by government action or by a presidentially declared disaster. Verification in the form of the government document describing the displacement will be required.

It is property policy to administer its waiting list as required by HUD handbooks and regulations.

Opening and Closing the Waiting List(s):

In order to maintain a balanced application pool, the property may restrict or suspend application taking and close the waiting list. Decisions about closing the waiting list will be determined based on the number of applications available for a particular unit size and the ability of the property to house an applicant in an appropriate apartment within a two-year period.

- (1) Closing of a waiting list, as well as any restrictions on not accepting applications for a specific unit size, will be publicly announced. During the period when the waiting list is closed, the property will not maintain a list of individuals who wish to be notified when the waiting list is reopened.
- (2) Reopening of the waiting list, as well as any restrictions on accepting applications, will be publicly announced. Notices will include information about where and when to apply, and will conform to the advertising and outreach practices described in the property's Affirmative Fair Housing Marketing Plan.

Updating the Waiting List:

- (1) The property will also update the waiting list(s) annually to keep the applicant information current and to remove the names of those who are no longer interested in or no longer qualify for housing assistance, or whom this agency has lost contact with *or* whose mail has been returned by the United States Post Service (U.S.P.S) as undeliverable.
- (2) An applicant review letter will be sent annually to each family on our wait list requesting confirmation of current information and/or updated information. This review must be returned to this agency either in person or by U.S.P.S. within the allotted amount of time specified on the letter. This agency will consider the postmark date as date received. Upon request, assistance will be provided to any applicant households with disabilities or LEP to enable them to meet this deadline.
- (3) When applicants notify the property of changes in household composition, the waiting list information will be updated, and a determination will be made as to whether or not the household will need a different unit size. The household will keep its original application date and place on the waiting list in the event of this type of change.

Removal of Applications from the Waiting List:

The property will not remove an applicant's name from the Waiting List unless one of the following occurs:

- (1) The applicant requests in writing that his/her name be removed.
- (2) The applicant was informed in writing, of the requirement to advise the property of his/her continued interest in housing by a particular time, and failed to do so, even after being provided with reasonable accommodations in the event of a disability and corresponding request.
- (3) The property attempted to contact the applicant in writing, but the letter was returned by the U.S. Postal Service as undeliverable.
- (4) The applicant failed to attend two (2) scheduled screening appointments or reschedule prior to appointment dates.
- (5) The property has notified the applicant, in writing, of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.
- (5) The applicant refused three offers of units for other than a medically related reason.
- (6) The applicant accepted an offer of a unit but failed to move in on time, without good cause notice.
- (7) The applicant household needs a different size unit due to a household composition change and the property has no units of that size.

Verification Requirements and Acceptable Forms of Verification

The property will obtain documentation/verification in compliance with requirements set forth in the HUD Handbook 4350.3. This includes but is not limited to, documentation provided by the applicant, verification forms completed and signed by third parties or reports of interviews, notes of telephone conversations with reliable sources, faxes, email or internet correspondence. At a minimum, each file notation will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a

written summary of the information received, the use of HUD's EIV system and any other documentation deemed necessary to determine the level of eligibility of the applicant and any follow-up interviews have been performed.

- A. When the above cannot be obtained, notarized affidavits from the household as allowed by HUD will be accepted.
- B. Only verified information that is within 60 days of the move-in date may be used for verification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.
- C. Management staff will be the final judge of the credibility of any verification submitted by an applicant. If front-line staff considers documentation to be doubtful, it will be reviewed by management staff that 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 to be checked may include, but are not limited to:
 - (1) Present and former employers
 - (2) Social workers, drug treatment centers, physician, clergy, DHHS
 - (3) Law enforcement, parole officers, court records
- E. Each file will be documented to show that property staff attempted to obtain independent written documentation before relying on a less acceptable form of verification.

Tenant Interview and Move-In Policies

As the applicant approaches the top of the waiting list, the applicant will be interviewed and given an explanation of the regulations and policies associated with the property. The interview shall be conducted in accordance with the HUD Handbook 4350.3 and topics will include, but are not limited to:

- A. Statutory, HUD, state and local preferences, if any
- B. That no HUD mandated form be altered in any way
- C. The requirement for all household members age 18+ to sign a consent for Release of Information form
- D. HUD required Citizenship Declaration forms will be collected for each household member
- E. The requirement for all household members age 18+ to sign all HUD mandated forms
- F. Proof of legal residence will be collected
- G. HUD regulations require Annual and Interim certification to determine level of eligibility
- H. The annual recertification consists of income, assets, expenses and family composition.
- I. Tenants are required to notify management within 10 business days from the date of change regarding any time a previously unemployed adult in the household begins working, and/or if the household's income goes up \$200/month or more.
- J. Tenants are required to notify management when there is any change in household composition. The same screening criteria are used for all new household members as are required for new households (with the exception of credit checks for Live-In Aides).
- K. Interim recertifications depend upon certain resident changes such as changes to household composition and/or changes in income, assets or expenses. Tenants may request an interim recertification due to a decrease in income or an increase in deductions. The property may also initiate an interim change when unreported changes are found.
- L. Applicant's ability and willingness to comply with the terms of the property's lease and House Rules.
- M. The applicant will pay the Security Deposit.
- N. The applicant will pay the rent as set forth in the lease.
- O. The applicant is responsible for turning on all utilities at time of lease up as required under the lease and will pay utilities per agreement.
- P. Unit inspections. The applicant and management will inspect the apartment and sign the Move-In Inspection form either prior to Move-In or on Move-In day.

Q. Transfer policies

R. The applicant will be given a copy of the Lease, Move-In Certification (50059), Move-In Inspection form, House Rules, all other HUD-required forms and notices, and a receipt for the Security Deposit and rent paid.

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 property considers false or incomplete information about the following to be grounds for rejecting an applicant:

- (1) Income, assets and/or expenses
- (2) Household composition
- (3) Social Security Numbers
- (4) Preferences and priorities
- (5) Eligibility for allowances
- (6) Previous residence history and/or criminal history
- (7) Citizenship, naturalization, and/or eligible immigration status

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

During the course of processing an application, there may be errors in name spellings, dates of birth and other such data, resulting in inaccurate criminal, credit, or other screening. In these cases, screening may be re-done.

If these checks result in documentation of circumstances that would have caused an applicant to be rejected, the application will be rejected. If the applicant has already moved in, this evidence may be the cause of eviction proceedings.

Unintentional errors will not be used as a basis to reject applicants.

Offering an Apartment

When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for the apartment size.

- A. If an applicant rejects an offer without good cause, the applicant is removed from the Eureka Family and Public Housing waiting lists. Any family placed in a unit size different than that defined in these Occupancy Standards must agree to transfer to an appropriate size unit when one becomes available, in accordance with the ***Transfer Policy and Lease Addendum***.
- B. If mail sent to the address the applicant listed as his/her current address is returned by the U.S.P.S., the document will be kept on file and an attempt will be made to contact the applicant via other means. If the applicant cannot be contacted within 5 (five) working days by using the Supplement to the Application form 92006, the apartment will be offered to the next applicant on the waiting list. Attempts to contact the household will be documented in the applicant file. The applicant will be removed from the waiting list.
- C. If the applicant is offered a unit in writing but fails to reply by the date noted on the offer letter, the applicant will be removed from the waiting list. The apartment will be offered to the next eligible applicant on the waiting list.

If an applicant fails to complete the lease process on the agreed date without notice, the application will be rejected, the applicant's name will be removed from the CalHFA waiting list and the apartment will be offered to the next household on the waiting list.

Priorities for Accessible or Adaptable Apartments

For apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, applicants with such need will have first priority as applicable for a particular apartment feature.

- A. Current residents who require accessible/adaptable apartments shall be given priority over applicants requiring the same type (bedroom size) of apartment. If a tenant is transferred as a reasonable accommodation because of a household member's verified disability, the owner will pay the costs (not to include transfer of utilities or tenant elected services, such as cable etc.) associated with the transfer, unless doing so would be an undue financial/administrative burden.
- B. When there are no residents or applicants who need the features of existing accessible units, persons without disabilities may move into those apartments. However, they must agree to move to an available apartment of the appropriate bedroom size with no such accessibility design features if an applicant or current resident requires that accessible unit.

Apartment Inspection

All apartments must undergo a move-in inspection by the owner/agent and the tenant the day of or prior to the day of move-in. A move-in inspection form will be completed, signed and dated by the tenant and owner/agent confirming that the unit is in decent, safe, and sanitary condition. After move-in, inspections will be completed at least annually by the owner/agent and inspections may also be conducted by HUD and/or the property's Contract Administrator.

Unit Transfer Policies

Residents will be placed on a transfer waiting list if they meet one of the following conditions:

- (1) Unit transfer is needed based on the need for an accessible unit, as certified by a physician or other medical professional, as a reasonable accommodation for persons with verified disabilities
- (2) Unit transfer is needed due to a change in family composition
- (3) Current residents who meet any of the qualifications above may be given priority over applicants.

- Residents requesting transfers for the above reasons will be placed on a transfer list based on the apartment size requested.
- Residents with disabilities will be given priority for an apartment which has accessible features.
- Transfers should occur after the completion of the initial lease term (except those based on accessibility needs) and are limited to five days to move out of the current apartment and to move into the new apartment.
- When a household transfers to a new apartment, management will close out the existing deposit, deduct resident charges and determine a new security deposit based on the new TTP or program requirement.

Adding household members after move-in

- For a new household member, regardless of age, documentation must be provided regarding the SSN no later than the processing of the certification that adds the new person to the household.
- All adults, as well as any adjudicated minors who are the Head, Spouse or Co-Head in each applicant family must sign an Authorization for Release of Information (HUD 9887/9887A) prior to receiving assistance and annually thereafter.
- The unit for which the applicant will receive assistance must be the only residence of each household member.
- An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

- All applicants must complete a Citizenship Declaration. For any minor children 17 years of age and younger, the Declaration may be completed by the parent/guardian.

Remaining Family Members

In order to stay in the unit as a remaining family member if the Head of Household leaves the unit, a person must already be on the lease when the Head of Household leaves and must be of legal contract age under state law.

Pet Policy. (To review the entire pet policies please request a copy.)

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

Pets must be registered with the Housing Authority before they are brought onto the premises. Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date. Pets will not be approved to reside in a unit until completion of the registration requirements.

Definition of “Common Household Pet”

Common household pet means a domesticated animal, such as a dog, cat, bird, or fish, that is traditionally recognized as an animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are not permitted:

- (1) Any animal whose adult weight will exceed 25 pounds
 - (2) Dogs of the Pit Bull, Rottweiler, Chow, or Boxer breeds
 - (3) Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations
 - (4) Any animal not permitted under state or local law or code
- Pet owners must maintain pets responsibly, in accordance with Housing Authority policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations.
 - Pet owners shall not alter their unit, patio, premises, or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.
 - Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt the peaceful enjoyment of their housing unit or premises. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.
 - Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet. Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage Housing Authority property. No animals may be tethered or chained inside or outside the dwelling unit at any time.
 - All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement. If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served. The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

1. That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation
2. That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting
3. That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

If the pet owner and the Housing Authority are unable to resolve a violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the Housing Authority, the Housing Authority may serve notice to remove the pet. The notice will contain:

1. A brief statement of the factual basis for the Housing Authority's determination of the pet rule that has been violated
2. The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice
3. A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner. If the responsible party is unwilling or unable to care for the pet, or if the Housing Authority after reasonable efforts cannot contact the responsible party, the Housing Authority may contact the appropriate state or local agency and request the removal of the pet.

The Housing Authority will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

- A. Pet owners are required to pay a pet deposit of \$200 in addition to any other required deposits.
- B. The Housing Authority will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 21 calendar days of move-out or removal of the pet from the unit.
- C. A separate pet waste removal charge of a minimum \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste.