

Tenant Selection Plan for Finney Avenue Residence



1. Fair Housing and Equal Opportunity Laws

- A. Management will not discriminate on the basis of race, color, national origin, religion, sex, familial status, elderliness (except eligibility requirements), or disability in any phase of the occupancy process.

The occupancy process includes, but is not limited to, application processing, leasing, transfers, delivery of management and services, access to common facilities, and termination of occupancy. Sec. 504 of the Rehabilitation Act of 1973 and the Fair Housing Act are followed.

- B. An applicant/resident who thinks his/her rights have been violated under Fair Housing and Equal Opportunity laws should contact the H.U.D. Richmond Area Office, Attn: Fair Housing and Equal Opportunity, 600 E. Broad Street --- 3rd Floor, Richmond VA 23219 or call toll free 1-800-542-2610.

- C. All programs are designated for individuals with Intellectual Disability and meet criteria for admissions.

2. Nondiscrimination – Section 504

Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance.

A Reasonable Accommodation as defined by the Fair Housing Act is any accommodation by management in rules, policies (including acceptance of assistance animals as an exception to a “no pets” rule), and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. It is your responsibility to inform management of any situation where a reasonable accommodation is needed.

Reasonable accommodations should be submitted in writing. If unable to provide the request in writing, please notify management. Reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities may be approved and funded by the project, unless the modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.

Purpose of the Tenant Selection Plan

Link: [HUD Handbook 4350.3 Rev-1](#)

The tenant selection plan helps to ensure that tenants are selected for occupancy in accordance with HUD requirements and established management policies.

Required Postings

This Tenant Selection Plan is available to the public upon request. Its availability will be posted in a common area of the rental office. It may also be reviewed during normal business hours at the following locations:

530 E. Pinner Street, Suffolk VA 23434
404 Finney Avenue, Suffolk VA 23434
925 Brook Avenue, Suffolk VA 23434
2210 E. Washington Street, Suffolk VA 23434
804 W. Constance Road, Suffolk VA 23434

A full copy of the most recent version of the Tenant Selection Plan is available for review on the Housing Authority’s website at: www.suffolkrha.org

Tenant Selection Plan Revisions

SRHA will revise this plan as needed to comply with any program changes implemented by HUD throughout the year. These changes shall not constitute a significant modification to the Plan and will not require public notice or comment prior to implementation. SRHA will review the Plan annually and update any local policies or changes in program operations.

HOTMA (Housing Opportunity Through Modernization Act of 2016 Implementation

- SRHA must continue to follow their existing Tenant Selection Plans and EIV policies & procedures until the SRHA's software is compliant (tentatively Fall 2024) after which the following will happen:
- SRHA will provide tenants with at least 60 days' notice that their lease will be modified at the end of the lease term after the expiration of the 60 days' notice. Once proper notice is given, SRHA must begin using the revised Model Leases at the expiration of a family's lease term.
- SRHA will implement their revised Tenant Selection Plans and EIV policies and procedures.
- All tenant data submissions must comply with the HOTMA regulations. Prior to their first reexaminations under HOTMA, MFH Owners must inform families that their income determinations will be conducted in accordance with the HOTMA final rule.
- SRHA will use the HUD revised Tenant Consent form (form HUD-9887/9887A) and Fact Sheets ("How Your Rent Is Determined").

3. Accepting Applications

Management will accept applications for rental from any and all interested persons with the requisite handicap designation. All applicants to this project must have been diagnosed as Intellectual Disability.

A. Written application must be made in order to be considered for residency.

B. Application must be made in person by the person seeking the rental unit (see Section 2 for exception) through the MR provider (case manager, etc.)

1. Proof of identity will be required of all household members. Acceptable forms of proof include state identification card for all household members 18 or older, birth certificate, and proof of handicap eligibility.
2. Proof of citizenship will be required for all household members. Acceptable forms of proof include birth certificate, passport, naturalization certificate certification of birth abroad for all family members. Documents must be in original unaltered condition.
3. Proof of Social Security Number is required for all household members. Applicant must provide an original copy of social security card.
 - a. Applicant who does not disclose and provide SSNs for all household members may not be admitted.
4. A child under the age of 6 years added to applicant's household within 6-month period prior to the household's date of admission is exempted
5. The legal guardian or authorized representative assisting the applicant must sign and date the application indicating it was completed in the interest of the applicant (provide applicant name.)

C. Application may be made by other than personal appearance when written request is made to the property by persons residing more than 50 miles from the property or from persons physically incapacitated at the time. Documentation will be required.

NOTE: Proof of identity will be required before processing for eligibility is started.

D. Application must be completed in full.

E. At the time application for rental is made, an initial screening interview will be conducted.

Manager/Review Team and Applicant will:

1. Review application for completeness and verify handicap designation.
2. Obtain identification and record.
3. Answer all of the applicant's questions.
4. Provide applicant waiting list policy and/or forms for waiting list updates.
5. Process releases in order to screen for information regarding drug or other criminal activity, including sex offenses and conduct background screening.
6. Process Citizenship Declaration

Additionally, an applicant must not have a criminal background that falls in the following criminal activity.

- Eviction for Drug Related Criminal Activity. If the applicant or a household member has been evicted from federally assisted housing for drug related criminal activity, **the application would be rejected.**
- Illegal Drug Use: If the applicant or any household member is currently engaged in illegal use of a drug or shows a pattern of illegal use that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, **the application will be rejected.**
- 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.**
- Sex Offenders: If the applicant or any household member has a conviction or adjudication other than acquittal, for any sexual offense, **the application would be rejected.**

Eligibility of Applicants Applying for Section 8 Assistance who are enrolled in an Institute of Higher Education:

- 24 or older
- Veterans
- Has dependents
- Married
- Parent's income is not over the "Low" income level (for the area that the parent's live) and the student is income eligible.
- Is classified as a "Vulnerable Youth"
- Meet the U.S. Department of Education's definition of an "Independent Student"
- Has maintained a household separate from parents for a full year and NOT claimed on their parent's tax returns.
- Person already receiving Section 8 assistance as of November 30th, 2005 and are disabled (as defined by HUD)

No assistance shall be provided under Section 8 to any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- Is under 24 years of age;
- Is not a veteran of the United State military;
- Is not a vulnerable youth
- Is not an independent student
- Is unmarried;
- Does not have a dependent child, and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under Section 8 of the 1937 Act.

For the purposes of determining eligibility of a person to receive assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437F), any financial assistance (in **excess of amounts received for tuition and other fees and required charges**) that an individual receives under the Higher Education Act of 1965 (20 U.S.C 1001 et seq.), from private sources, or an institution of higher education as defined under the Higher Education Act of 1965 (20 U.S.C. 1002), shall be considered income to that individual except for a person over the age of 23 with dependent children.

HUD issued a Student Notice in order to clarify the changes from the final student rule.

F. Only fully completed applications will be accepted and recorded by date and time on the waiting list log.

Incomplete applications not made complete in the interview process will be so noted and rejected.

G. All applications received will be placed on the Waiting List.

1. The applicant's name will be placed on a Waiting List based upon the date/time application is received. Management will maintain the Waiting List. Management will also indicate on the Waiting List the following about each applicant.
 - a) Preference determination
 - b) Applicant expiration date for keeping applications current –90 days
 - c) Date and unit offered and rejected with reason for rejection noted.
 - d) Date assigned to a dwelling unit and identification of unit assigned
 - e) Reason for moving applicant to inactive status (if necessary)
2. Those applicants on the Waiting List who have not been housed and have met eligibility and screening requirement, and are still interested in housing, constitute the project's waiting list.
3. Consideration in making offers from the Waiting List to appropriately sized units will be made after preferences outlined in section V are applied and which are not inconsistent with Civil Rights Laws and Hud regulations and requirements pursuant thereto.
4. Projects with HAP contracts initially effective on October 1, 1981 may admit families up to low income limits.
 - a) It is our policy to keep the waiting list open at all times.

4. Rejecting Applicants

A. Applicants may be rejected:

1. For not meeting, or in certain program exceeding, HUD criteria for the property. NOTE: HUD criteria are specified based on the tenant subsidy program requirements.
2. For not meeting property screening criteria (See Section V)
3. Application is incomplete.
4. Family composition does not conform to units available on property.
5. Household income exceeds HUD income limits for the program available on the property.
6. Applicant is an ineligible single person.
7. Applicant provided false information necessary in determination of eligibility.

NOTE: SRHA will deny admission if the criminal background check indicates the applicant provided false information.

5. Screening

A. Eligibility Conditions

Management will consider eligible applicants who, at the time of the application, meet all the following conditions for occupancy:

1. Who qualified as a family or an eligible single person.
2. Whose net family income does not exceed the HUD determined application income limits for admission.
3. Who have been disclosed and verified the social security number of each family member who has been assigned a social security number. The following documents will be accepted as evidence if the SSN is provided on the document: Driver's License; other identification card issued by a federal, state, or local agency, a medical insurance company or provider, or employer or trade union; payroll stubs; benefit award letters from government agencies; retirement benefit letters; life insurance policies; court records (real estate, tax notices, marriage and divorce, judgement or bankruptcy records.)
4. Who has not committed any fraud in connection with a Federal Housing Assistance program.
5. Who have no felony convictions including but not limited to any sexual offense by any household member.
6. Owners and applicants comply with the unit size standards contained in the policy.
7. The applicant agrees to pay the rent required by the subsidy program under which the applicant would be admitted.
8. The unit will be the family's only residence.
9. In the event that the applicant is a student, that applicant shall meet all requirements as set forth in HUD Occupancy Handbook 4350.3. Revision 1, Change 2, Chapter 13 – Eligibility of Students for Assistance.
10. The property management will screen all applicants by doing criminal background checks, sex crime checks, and EIV existing tenant search and prior rental history checks.

B. Once eligibility has been determined based upon the criteria set forth by HUD regulations, management will evaluate each applicant to determine eligibility utilizing its resident screening criteria. Management will deny admission to any otherwise eligible applicant whose habits, conduct or practices in present or prior housing has been such as would likely interfere with other residents as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare, or by adversely affecting the physical environment or financial stability of the property if the applicant were admitted to the property. Relevant information regarding practices to considered include, but are not limited to:

1. An applicant's past performance in meeting financial obligations, especially payment of rent:
 - a) Qualified applicants who have no prior leasing experience of their own and no credit or stable employment history will be given all due consideration with regard to personal references and other selection criteria.
 - b) Applicants who evidence a steady income from employment or other sources, such as AFDC, Social Security and/or pensions, will be afforded like treatment.
 - c) Female heads of household and male heads of household will similarly be afforded like treatment.
2. An applicant's capacity to comply with the terms of the LEASE AGREEMENT. Management shall deny program participation to applicants with one or more of the following violations:
 - a) Repeated (two or more) violations of prior lease agreements, as verified by prior landlords if possible.
 - b) Conviction of the applicant or member of the applicant family, of a felon in any state or federal court, providing that the applicant has had the opportunity to remove said offender. These cases will be reviewed as to extenuating circumstances.
 - c) **Conviction of applicant or family member of applicant family within the prior sixty months for drug-related activity or violent criminal activity, providing that the applicant has had the opportunity to remove said offender. Drug related activity is defined as the manufacture, sale, use, or distribution or the possession with the intent to manufacture, sell, use or distribute a controlled**

substance (as defined in the Controlled Substances Act.) Violent criminal activity does not include the use or possession of a controlled substance, if the family member can demonstrate that she/he:

- 1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
 - 2) Has recovered from such addiction as evidenced by completion of an accredited rehabilitation program and has not used or possessed a controlled substance for a period of at least one year, and does not currently possess or use a controlled substance.
- d) Conviction of an applicant, or member of applicant family for possession of an unregistered firearm.
3. An applicant's capacity to demonstrate that they are capable of caring for the unit. This will be determined by prior landlord history, if available.

An applicant or member of an applicant family who requires a service or accommodation to be able to care for the unit shall be afforded the opportunity to obtain the service or supply accommodation. In cases where the accommodation shall not cause undue financial administrative burden to management, nor result in a fundamental alteration in the nature of the program administered, management shall provide such reasonable accommodation. An applicant or member of applicant family who has been determined to require such services and supplying the accommodations where it has been determined that management would incur a financial hardship, administrative burden, or would experience a fundamental alteration in the program.

Refusal to provide services or supply accommodation on the part of the applicant is grounds for rejection or program participation.

4. An applicant's ability and willingness to cooperate with management.

All applicants and residents shall be required to provide complete and accurate information and execute all forms required by management to determine eligibility and other factors affecting residency. Information requested by management shall be provided within the specified time period. Failure or refusal to comply with management is grounds for denial of program participation or eviction. All prospective applicants are required to undergo a preliminary screening to determine whether their household meets the eligibility requirements stated above and to provide an original social security card and an original birth certificate for all family members. In addition, all family members over 18 must provide a government issued photo ID. Documents must be in original unaltered condition.

6. Preferences and Selection

Applicants will be selected in the following manner:

- 1) In selecting residents from among eligible applicants who meet the screening criteria, the first consideration is matching the size and type unit offered to the family. In group homes, all rooms are single bedrooms.

7. Assignments of Units

There are twelve one-room units at Finney Avenue Residence. An applicant will be offered a unit. If more than one unit available, the applicant will be given a choice. If the applicant rejects the vacancy offered, he/she shall be placed at the bottom of the eligible list. The new eligibility date is the date of rejection.

Applicants may reject offers of vacancies without being moved from their unit on the eligible applicant list in case of hardship or handicapping condition not related to race, color, national origin, religion, sex, familial status, elderliness, or disability. The applicant is willing to move in such a case but is unable to do so at the time of the offer and presents clear evidence of his/her inability to move to management's satisfaction.

8. Transfers

In filling vacant units, priority will be given to current residents who are over housed or under housed or if a medical reason shows need for a larger or a different unit.

Persons needing special consideration because of handicapping condition or disability shall be accommodated. Any decision not to transfer a resident needing the same should be documented. Factors concerning transfers are as follows:

- I. A resident who has given indication that he/she will move within the next few months need not be transferred.

9. Cure non-compliance (HOTMA)

In accordance with Housing Opportunity Through Modernization Act of 2016 (HOTMA) sections 102 and 104 and detailed in the final rule published in Federal Register Notice 88 FR 9600 on February 14, 2023 (PIH Notice 2023-27), PHAs have discretion with respect to the application of the asset limitation at annual and interim reexamination. This may mean, for example, SRHA would allow someone to cure their noncompliance or provide more time to demonstrate they have cured their noncompliance before terminating assistance if there was a nexus between the person's disability and their need to cure or their need for additional time to demonstrate they have cured their noncompliance.

Reasonable accommodation could require delaying the initiation of termination or eviction proceedings for more than six months.

10. Repayment Policy

Resident Debts to the Owner

Any amount due to the owner must be repaid by the resident. If the resident is unable to repay the debt within 30 days, the owner will offer to enter into a repayment agreement in accordance with the policies below.

If the resident refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the owner will terminate the assistance upon notification to the family and pursue other modes of collection.

Repayment Agreement [24 CFR 792.103]

The term *repayment agreement* refers to a formal document signed by a resident and provided to the owner in which a resident acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

Repayment Agreement Guidelines

The tenant and owner must both agree on the terms of the repayment agreement. **The monthly payment plus the tenant's total tenant payment at the time the repayment agreement is SSN should not exceed 40 percent of the family's monthly adjusted income.**

Repayment Options:

1. In a lump payment
2. Enter into a repayment agreement.
3. A combination of (1) and (2)

Execution of the Agreement

The resident and/or resident representative must sign the repayment agreement.

Due Dates

All payments are due by the close of business on the 15th day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.

Non-Payment

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given to the owner, the owner will send the resident a delinquency notice giving the resident 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and the owner will terminate assistance upon written notification to the resident.

If a resident receives 3 delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and the owner will terminate assistance upon written notification to the resident.

Residents who do not agree to repay amounts due will be in non-compliance with their lease agreement and may be subject to termination of tenancy.

No Offer of Repayment Agreement

The owner will not enter into a repayment agreement if there is already a repayment agreement in place with the resident, or the amounts owed by the resident exceed the Federal or State threshold for criminal prosecution.

11. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking

The Violence Against Women Reauthorization Act of 2005 (V A W A) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Specifically, Section 606 (4)(A) of V A W A adds the following provision to Section 8 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the housing choice voucher program.

- That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate reason for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission [24 CFR 5.2005]

Definitions as used in VAWA:

- The term bifurcate means, with respect to a public housing or Section 8 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 *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, 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 *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 *stalking* means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
- To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
- In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.
- The term *immediate family member* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
 - Any other person living in the household of that person and related that person by blood and marriage.

Notification

Management Policy

The management acknowledges that a victim of domestic violence, dating violence or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the management's policies. Therefore, if the management makes a determination to deny admission to an applicant, the management will include in its notice of denial:

A statement of the protection against denial provided by VAWA

A description of management confidentiality requirements

A request that an applicant wishing to claim this protection submit to the management documentation meeting the specifications below with her or his request for an informal review.

The management will ensure all residents upon admission and continued annual occupancy will be provided the option to complete the certification of domestic violence form HUD 91066. A copy of this notice will be provided to all tenants of their rights under VAWA.

The management will have all to sign the VAWA lease addendum, form HUD-91067.

Documentation

Victim Documentation

An applicant claiming that the cause of an unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking must provide documentation (1) demonstrating the connection between the abuse and the unfavorable history and (2) naming the perpetrator of the abuse. The documentation may consist of the following:

A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident (s) of actual or threatened domestic violence, dating violence or stalking.

A police or court record documenting the domestic violence, dating violence, or stalking.

Documentation signed by a person who has assisted the victim in addressing domestic 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 or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

Perpetrator Documentation

Management Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or stay as guest in the assisted unit.

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signed must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

Time Frame for Submitting Documentation

Management Policy

The applicant must submit the required documentation with her or his request for an informal review or must request an extension in writing at that time. If the applicant so requests, the management will grant an extension of 10 business days, and will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the management determines that the family is eligible for assistance, no informal review will be scheduled and the management will proceed with admission of the applicant family.

Management Confidentiality Requirements [24 CFR 5.2007(a)(1)(v)]

All information provided to the management 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 and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is request or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

Management Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the management will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

12. Up-Front Income Verification (UIV)

Up-front income verification (UIV) refers to the Management's use of the verification tools available from independent sources that maintain computerized information about earning and benefits. UIV will be used to the extent that these systems are available to the management.

Management Policy

The management will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

HUD's EIV system (when it is available to the management)

There may be legitimate differences between the information provided by the family and UIV-generated information. No adverse action can be taken against a family until the management has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the

informal review/hearing process of the management as stated in the HUD Handbook 4350.3, Change 4, Chapter 8, Paragraph 8-20, Discrepancies Reported in the EIV System.

EIV (Enterprising Income Verification)

SRHA is required to use EIV in its entirety, including using all of the required reports, such as the Existing Tenant Search and Income Reports, to verify tenant employment and income information at annual and streamlined reexaminations of family composition and income. However, SRHA is no longer required to use EIV to verify tenant employment and income information during an interim reexamination of family composition and income.

HUD's EIV database will be utilized to run the Existing Tenant Search when processing an application to determine if any applicant household member may be currently residing and/or receiving assistance through another Multifamily Housing or Public and Indian Housing (PIH) location.

See Appendix A Mandatory and Discretionary Use

Existing Tenant Search

All applicants MUST disclose if they are currently receiving HUD housing assistance. The Suffolk Redevelopment and Housing Authority (SRHA) will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides SRHA with information about an applicant's current status as a HUD housing assistance recipient. SRHA will use the Existing Tenant Search Report, during the final eligibility review, to determine if the applicant or any member of the applicant household may be currently receiving HUD assistance. An individual report must be run for ALL HOUSEHOLD MEMBER INCLUDING CHILDREN.

Since the applicant is required to provide current landlord information on the application, SRHA should be aware of the housing assistance. Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any HUD voucher before HUD assistance on this property will begin. Special consideration applies to minor children where both parents share 50% custody.

The report gives SRHA the ability to coordinate move-out and move-in dates with the other PHA or SRHA owned/managed property. SRHA will follow-up with the respective PHA or other SRHA owned or managed property to confirm the individual's program participation status before admission. Notations pertaining to the status of applicants currently receiving subsidy at another property must be documented on the "Section 8 Existing Tenant MO Certification" form, and the notations must include: Name of the person contacted at current applicant residence, date/time of contact, information provided including anticipated move-out date for the applicant(s) and other relevant information

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history on the application, the applicant may be denied based on "misrepresentation" of information. If SRHA discovers a discrepancy, the applicant will be notified and will have 5 business days to respond to the inquiry. (Please see the "Tenant Selection Plan" for additional information pertaining to denial of applicants). SRHA will send the applicant a notice to request a meeting to discuss the information that was provided on the Existing Tenant Search report.

Failure to respond to SRHA request for additional information and/or providing false or incomplete information will result in denial and removal from the waiting list in accordance with the property's current Tenant Selection Plan.

Record Keeping- Existing Tenant Search Report

The Existing Tenant Search Report - must be maintained in the Applicant or Tenant file.

If the information on the report results in an applicant not being accepted for housing assistance based on the applicant providing false or incomplete information, the report will be maintained in the applicant's file, along with associated correspondence sent to the applicant to inform him/her of management's decision to deny him/her as an applicant. If the information on the report results in information confirming that the applicant still resides at another property where he/she receives rental assistance, the report will be maintained in the applicant file along with the associated correspondence sent to the applicant to inform him/her of management's decision to deny him/her as an applicant, based on the fact that he/she has not moved out of another property where he/she is receiving rental assistance.

If the information provided by a current landlord, as indicated on the 'Section 8- Existing MO Confirmation' form confirms that the applicant is currently being evicted an associated correspondence sent to the applicant family must be maintained in the applicants file.

A copy of the Existing Tenant Search report will be filed in each tenant file and a report must be included for each household member, including household minor and dependents. If the Existing Tenant Search report shows that any member of the applicant family is receiving rental assistance at another property, documentation must be included and noted on the Section 8 Existing Tenant MO Confirmation" form confirming the move out date as provided by the landlord. Follow up action may or may not be needed based on information provided by the landlord at the property where the applicant is currently receiving rental assistance and in accordance with the Property's Tenant Selection Plan.

MULTIPLE SUBSIDY REPORT

The **Multiple Subsidy Report** will be reviewed quarterly. The Report allows HAMC to search TRACS database to identify individuals who may be receiving multiple rental subsidies. If the report shows that a resident is being assisted at another location, HAMC must contact the household and offer them the opportunity to dispute or explain the situation. If the results of the searches (both MF and within PIH) (see search option) below shows that a tenant is being assisted at another location, HAMC must discuss these results with the household. The notice requires that the household meet with HAMC within five days of the date of the notice.

HAMC must also contact the representative PHA or owner/agent of the other property showing on any multiple subsidy report and document all information obtained regarding receipt of multiple subsidy for any household member. Information will be documented on the property's discrepancy log with notations on all follow-up completed by owner agent.

If any household member received or attempted to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material non-compliance lease violation and may result in penalties up to and including evictions and pursuit of fraud charges.

Search Options- Multiple Subsidy Report

When running **the Multiple Subsidy Report**, HAMC will perform both of the search options as shown below to determine if possible multiple subsidies exist:

Search within Multifamily (MF)

Search within Public and Indian Housing (PIH)

Recordkeeping-Multiple Subsidy Report

Print out and maintain a copy of the **Multiple Subsidy Report** in the EIV discrepancy log file, and include notations as to the outcome of contacts with the residents and/or PHA or owner/agent of other property. In addition, a copy of the **Multiple Subsidy Report** for the resident plus any documentation supporting any contacts made or information obtained to determine if a **household** and/or household member is receiving multiple subsidies as well as documentation to support any action taken if a household and/or household member is receiving subsidies must be retained in the tenant file.

The tenant file must only contain information for that particular household. Reports may need to be manually separated so that only information for the household is included in the tenant file.

Refer to HUD Handbook 4350.3, Rev 1 as well to determine if households receiving multiple subsidies should be terminated in accordance with the HUD Model Lease and charged market rent for unpaid subsidy at the property as a result of multiple subsidies.

No Income Report

The **No Income Report** will be reviewed quarterly. The report provides SRHA with the list of tenant whose identities were verified by the SSA, but do not have or never have received SSA/SSI benefits or wages. Information obtained in the **No Income Report** must be compared to information provided by the applicant/tenant and any/all discrepancies with the information should be researched. Applicants/Tenants declaring to have no household income should be listed on the **No Income Report** and if not listed on this report additional steps must be taken by the SRHA to determine why the household is listed.

Discrepancies between information provided by the applicant/tenant and the information obtained in the **No Income Report** should be handled in the same manner as discrepancies obtained in the **Income Discrepancy Report** and all discrepancies must be documented, discussed with the applicant/tenant, and resolved within (30) days of the date of the report.

Correction must be made for unreported or under-reported household income by processing the appropriate 50059 and processing repayment agreements (as warned) based on the timeframes and amount of subsidy owed by the household, if any. In addition, households reflected on the **No Income Report** that have not reported to HAMC - that household is currently receiving income should be contacted to review the information obtained and compared to information provided to the household. Sources of income not included on the **No Income Report** must be accounted for, verified according to the HUD Handbook 4350.3 guidelines and included on the household's 50059, such as child support income, recurring gifts, benefits not included in the EIV System, etc.

All household reporting zero income may complete a zero income self-certification, but HAMC will not assign monetary value to non-monetary in-kind donations from a food bank or similar organization. Applicants or participants may be asked to complete a Zero Income Questionnaire in accordance with the "Section 8 - Standard Operating and Procedures Manual" on a quarterly basis as well. The questionnaire is intended to confirm households are meeting daily needs and to ascertain if there is unreported household income that should be included as part of the household's annual income.

Recordkeeping - No Income Reports

SRHA will maintain the No Income Reports with the EIV Discrepancy log file and include any documentation and correspondence with the household(s) to discuss discrepancies between the individual household reported income and the No Income Report. In addition, the owner/agent will maintain individual No Income Report in the tenant file along with any/all documentation and correspondence with the household relative to the household's reported income amounts and the **No Income Report**.

The owner/agent will “purge” EIV printouts at the end of tenancy plus 3 years. SRHA will document the resident’s file when information is destroyed. When documenting this action, provide information about when and how the information was destroyed.

Reporting at Annual Certification, Interim Certification and Unit Transfer

Aside from the reports previously mentioned, the EIV Income Reports will be reviewed during annual and interim re-certification. The Income report will be printed and reviewed within 90 days after transmission of the move-in certification through iMAX and any income discrepancies will be resolved within 30 days of the income report date. Reports will be produced and reviewed based on the following schedule:

Annual Certification Month	Discrepancy and Income Report Viewed for Annual Certification
January	November 1-10
February	December 1-10
March	January 1-10
April	February 1-10
May	March 1-10
June	April 1-10
July	May 1-10
August	June 1-10
September	July 1-10
October	August 1-10
November	September 1-10
December	October 1-10

Primary Residence

Applicants must agree that their rental unit will be their only residence. When applicants are undergoing income limit tests, they are required to reveal all assets they own, including real estate. They are allowed to own real estate, whether they are retaining it for investment purposes as with any other asset or have their property listed for sale. However, they may never use this real estate as a residence while they live in HUD-assisted housing.

Hardship Exceptions

SRHA will waive the minimum monthly rent requirement to any family unable to pay due to a long-term financial hardship. The financial hardship exemption constitutes the only statutory exemption and includes the hardship situations listed below. NOTE: A family who is eligible for and receives a hardship exemption must be recertified every 90 days.

The family has lost federal, state, or local government assistance or is waiting for eligibility determination (including legal immigrants):

- The family would be evicted if the minimum rent requirement was imposed;
- The family income has decreased due to a change in circumstances, including but not limited to, loss of employment;
- A death in the family has occurred;
- Other applicable situations, as determined by HUD, have occurred.

Asset Limitations

Link: [24 CFR 5.100; 5.603; and 5.618](#)

In accordance with Housing Opportunity Through Modernization Act of 2016 (HOTMA) sections 102 and 104 and detailed in the final rule published in Federal Register Notice 88 FR 9600 on February 14, 2023 (H Notice 2023-10), a family is out of program compliance with the asset limitation if they have either of the following:

Net family assets exceed \$100,000, as adjusted annually for inflation.

Real property that is suitable for occupancy. Families are out of compliance if they have a present ownership interest in, a legal right to reside in, and the effective legal authority to sell a property (based on laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence.

12. Definitions-

All definitions shall be in accordance with those set forth by HUD and in the event of any conflict, HUD definitions will control:

1. Family – two or more eligible people or an eligible single person.

2. Unit Size Standards – the following will be considered the minimum and maximum allowable tenancy per unit size:

Group Home		
	Maximum	
Bedroom	1	
Independent Living Apartments		
	Maximum	Minimum
1 Bedroom	1	2
2 Bedroom	1	3-4

Additional Definitions

Below is a list of definitions as defined by HUD and are applicable in all HUD funded programs and will be used in determining program eligibility and income calculations.

Actual Income: Actual income from assets is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded by 24 CFR § 5.609(b). Income or returns from assets are generally considered to be interest, dividend payments, and other actual income earned on the asset, and not the increase in market value of the asset. The increase in market value is relevant to the cash value of the asset for the purpose of determining total net family assets and imputing income.

Civil Action Recoveries or Settlements: Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family becoming a person with disabilities are excluded from annual income. Any amounts recovered are excluded, irrespective of whether they are received periodically or in a lump sum payment.

Day Laborer: A day laborer is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

Federal Tax Refunds or Refundable Tax Credits: All amounts received by a family in the form of federal tax refunds or refundable tax credits are excluded from a family's net family assets for a period of 12 months after receipt by the family.

Imputed Income

Imputed income from assets is no longer determined based on the greater of actual or imputed income from the assets. Instead, imputed asset income must be calculated for specific assets when three conditions are met:

- The value of net family assets exceeds \$50,000 (as adjusted for inflation);
- The specific asset is included in net family assets; and
- Actual asset income cannot be calculated for the specific asset.

Imputed asset income is calculated by multiplying the net cash value of the asset, after deducting reasonable costs that would be incurred in disposing of the asset, by the HUD-published passbook rate. If the actual income from assets can be computed for some assets but not all assets, then SRHA must add up the actual income from the assets where actual income can be calculated, then calculate the imputed income for the assets where actual income could not be calculated. After the SRHA has calculated both the actual income and imputed income, the housing provider must combine both amounts to account for income on net family assets with a combined value of over \$50,000. When the family's net family assets do not exceed \$50,000 (as adjusted for inflation), imputed income is not calculated. Imputed asset income is never calculated on assets that are excluded from net family assets. When actual income for an asset — which can equal \$0 — can be calculated, imputed income is not calculated for that asset.

Income Earned on Amounts Placed in a Family's Family Self Sufficiency (FSS) Account: Income earned on

amounts placed in a family's FSS account is excluded from the family's calculation of annual income.

Income of Live-in Aides, Foster Children, and Foster Adults: Income of a live-in aide, foster child, or foster adult as defined in 24 CFR §§ 5.403 and 5.603 is excluded from the family's calculation of annual income.

Independent Contractor: An independent contractor is an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code federal income tax requirements and whose earnings are consequently subject to the self-employment tax. In general, an individual is an independent contractor if they have the right to control or direct only the conduct of the work. For example, while instructions and route information are generally provided, third-party delivery and transportation service providers are considered independent contractors unless state law dictates otherwise. In addition, individuals considered “gig workers,” such as babysitters, landscapers, rideshare drivers, and house cleaners, typically fall into the category of independent contractor.

Insurance Payments or Settlements: Insurance payments and settlements for personal or property losses, including but not limited to payments under health insurance, motor vehicle insurance, and workers’ compensation, are excluded from annual income. Any workers’ compensation is always excluded from annual income, regardless of the frequency or length of the payments.

Lump-Sum Additions to Net Family Assets: Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings, are excluded from annual income. These amounts may count toward net family assets in accordance with 24 CFR § 5.603.

Necessary and Non-Necessary Personal Property: Necessary personal property is excluded from net family assets. Non-necessary personal property with a combined value greater than \$50,000, as adjusted by inflation, is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family asset.

Nonrecurring Income: Temporary U.S. Census Bureau Employment: Payments from the U.S. Census Bureau for employment relating to the decennial census or the American Community Survey lasting no longer than 180 days and not culminating in permanent employment are excluded from annual income. However, it should be noted that any permanent employment with the U.S. Census Bureau should be considered in the annual income calculation.

Nonrecurring Income: Economic Stimulus or Recovery Payments: Direct federal or state payments intended for economic stimulus or recovery are excluded from annual income. HUD will continue to advise SRHA of which payments are considered economic stimulus or recovery payments for the purposes of income calculation.

Nonrecurring Income: State Tax Refunds: Amounts directly received by the family as a result of state refundable tax credits or state tax refunds at the time they are received are excluded from annual income.

Payments Received for the Care of Foster Children or Foster Adults or State or Tribal Kinship or

Guardianship Care Payments: Payments received for the care of foster children or foster adults, or state or Tribal kinship or guardianship care payments, are excluded from annual income. This income exclusion also applies to Kinship Guardian Assistance Payments (KinGAP), kinship care payments, and other state-based kinship or guardianship payments that are alternatives to traditional foster care programs.

Nonrecurring Income: Federal Tax Refunds: Amounts directly received by the family as a result of federal refundable tax credits and federal tax refunds at the time they are received are excluded from annual income.

Nonrecurring Income: Gifts: Gifts for holidays, birthdays, or other significant life events or milestones (e.g., weddings, baby showers, anniversaries) are excluded from annual income.

Nonrecurring Income: In-Kind Donations: Non-monetary in-kind donations, such as food or toiletries, received from a food bank or similar organization are excluded from annual income. When calculating annual income, SRHA are prohibited from assigning monetary value to non-monetary in-kind donations received by the family from a food bank or similar organization. Non-recurring, non-monetary in-kind donations from friends and family may be excluded as non-recurring income.

Passbook Rate: HUD will annually publish a passbook rate based on the Federal Deposit Insurance Corporation (FDIC) National Deposit Rate for savings accounts, which is an average of national savings rates published on a monthly basis. SRHA must use the HUD-published passbook rate when calculating imputed asset income for net family assets that exceed \$50,000 (a figure that is annually adjusted for inflation). The HUD-published passbook rate will be posted to a dataset on the HUD User Web site, alongside annual inflationary adjustment.

Seasonal Worker: A seasonal worker is defined as an individual who is: 1) hired into a short-term position (e.g., for which the customary employment period for the position is 6 months or fewer); and 2) the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the employer or industry. Some examples of seasonal work include employment limited to holidays or agricultural seasons. Seasonal work may include but is not limited to employment as a lifeguard, ballpark vendor, or snowplow driver.

Trust: Whether the value of a trust counts as a net family asset and whether distributions from the trust count as annual income to the family depends on the following three factors:

- Whether the trust is under the control of the family;
- Whether distributions are made from the trust's principal; and
- The purpose of the distribution, if the distribution is made from income earned on the trust's principal.

Trust as Net Family Assets: The value of irrevocable trusts and revocable trusts that are not under the control of the family are both excluded from net family assets. The distinguishing feature of a revocable trust is that the grantor can terminate and/or amend the trust at any time for any reason before his or her death. In circumstances when a member of the assisted family is the beneficiary of a revocable trust, but the grantor is not a member of the assisted family, the beneficiary does not "own" the revocable trust, and the value of the trust is excluded from net family assets. For the revocable trust to be considered excluded from net family assets, no family or household member may be the account's trustee. A revocable trust that is under the control of the family or household (e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets. This also means that SRHA will calculate imputed income on the revocable trust if net family assets are more than 50,000, as adjusted by inflation, and actual income from the trust cannot be calculated (e.g., if the trust is comprised of farmland that is not in use).

Trust -Actual Income: If SRHA determines that the revocable trust is included in the calculation of net family assets, then the actual income earned by the revocable trust is also included in the family's income. Where an irrevocable trust is excluded from net family assets, the SRHA must not consider actual income earned by the trust (e.g., interest earned, rental income if property is held in the trust) for so long as the income from the trust is not distributed.



Suffolk Redevelopment and Housing Authority does not discriminate against any persons on the basis of race, color, sex, religion, national origin, age, familial status, or disability. If you believe you have been discriminated against, you may call the Fair Housing and Equal Opportunity National toll-free hot line 1.800.424.8590

Unearned Income: Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

Appendix A. Mandatory and Discretionary use of EIV by SRHA

The table below provides guidance on the frequency with which individual EIV reports must be utilized by a SRHA.

Mandatory and Discretionary Use of EIV

Report Title	Report Description	Frequency of Use	PHAs/MFH Owners
Debts Owed to PHAs & Terminations	Allows users to access information concerning former tenants who left owing a debt to a PHA or who had their voucher terminated for cause.	At the time of processing an applicant family for admission, and to enter debt information or terminations for families who have ended program participation.	PHAs only Report does not exist in MFH EIV.
Deceased Tenants Report	Identifies tenants reported by Social Security Administration (SSA) as being deceased.	At least quarterly	PHAs/MFH Owners
Existing Tenant Search	Identifies applicants who may be receiving assistance at another Multifamily project or PIH location.	At the time of processing an applicant family for admission	PHAs/MFH Owners
Failed EIV Prescreening Report	Identifies tenants who have missing or invalid personal identifiers (last name, date of birth, SSN) in HIP/TRACS. These tenants will not be sent to SSA from EIV for the SSA identity test.	Monthly	PHAs/MFH Owners
Failed Verification Report (Failed	Identifies tenants whose personal identifiers (last name, date of birth, SSN) do not match the SSA database.	Monthly	PHAs/MFH Owners
SSA Identity Test)	*PHAs/MFH Owners that admit families using a self-certification of SSN must review the Failed SSN Verification Report monthly to identify and follow up on new issues.		



Suffolk Redevelopment and Housing Authority does not discriminate against any persons on the basis of race, color, sex, religion, national origin, age, familial status, or disability. If you believe you have been discriminated against, you may call the Fair Housing and Equal Opportunity National toll-free hot line 1.800.424.8590

Identity Verification Report	Identifies tenants that, failed SSA verification, and failed EIV pre-screening.	Monthly	
Income Discrepancy Report for MFH Programs	<p>Identifies households where there is an income discrepancy in the wage, unemployment, and SSA benefit information reported in EIV and wage, unemployment, and SSA</p> <p>benefit information reported in TRACS for the period of income used for discrepancy analysis. The report serves as a tool to alert MFH Owners that there may be a discrepancy in the income reported by the tenant during the period of income used for the discrepancy analysis.</p>	<p>Must be used at annual reexamination. MFH Owners may use the report at other intervals, in accordance with the MFH Owner's written EIV policies and procedures. MFH Owners are not required to use the report at annual reexamination if they used Safe Harbor verification to determine the family's income at the last reexamination.</p> <p>*See note under Summary above about updates to the MFH Income Discrepancy Report.</p>	MFH Owners

