

**Tenant Selection Plan for  
Marion Unity Apartments, Inc.  
Managed by Human Resource Development and Employment, Inc.**

This document will be posted in the office. It is available to each applicant at the time of application.

Human Resource Development and Employment, Inc. (HRDE), a private, nonprofit corporation and Management Agent for various housing complexes in the State of West Virginia, is dedicated to providing the best possible housing services to economically disadvantaged families, in addition to the elderly and disabled citizens of West Virginia. HRDE and its affiliated housing corporations, aid and support drug-free housing.

To assist in providing these services and protecting the right to safe and decent housing for its residents, Marion Unity shall utilize the following Tenant Selection Plan procedures and policies.

**I. MARKETING**

**MARKETING ACTIVITIES**

Marion Unity will make a concentrated effort to keep all units rented to those who are the most in need. Advertising will be done through the local newspapers, flyers, radio, public television announcements, and HRDE's website to make the public aware. Local Social Service Agencies will also be made aware of what is available at this site. Efforts will be made to attract extremely low-income applicants in order to comply with HUD's income targeting requirement. An Affirmative Fair Housing Marketing Plan will be posted and will be essential to all marketing activities.

**ACCEPTING APPLICATIONS**

All persons desiring housing at Marion Unity will complete the Pre-Application Form. The information provided on the Pre-Application Form will be used to determine initial eligibility, as well as, the apartment size and characteristics needed by the applicant. Pre-Applications will be time stamped, signed and dated by Management in the order of receipt. In addition to the signature, the manager will initial the date and time received. All eligible applicants will be placed on the waiting list. Prior to accepting an applicant from the waiting list, a completed application package (referencing the Pre-Application receipt date) must be submitted. This application packet will contain the application form, a verification form for background credit and criminal checks, FACTS for HUD-Assisted Residents, and Is Fraud Worth It. At this time, the applicant must also sign the Fact Sheet, HUD form 9887, and HUD form 9887A. The original of these forms must be put in the applicant's file. The applicant must be given a copy of the Fact Sheet. The applicant must be given a copy of the 9887 and 9887A, if it is requested. Each person who will be party to the lease must sign all forms. This application packet must be completed and returned either in person or by mail for further consideration.

After reviewing the application, rental history and/or references will be checked and a credit check, a criminal check, existing tenant search and a National Sex Offender Public Registry (NSOPR) check will be completed before any applicant is admitted. Management will determine (a) if the applicant meets age, income, and/or any other applicable guideline qualifications as determined by the Department of Housing and Urban

Development (HUD) and (b) for what type of unit the applicant would be eligible. If the applicant is found to meet the screening criteria, he/she will be eligible for tenancy at this housing complex. Each household member aged 18 or older must meet the screening criteria. No one failing the screening criteria will be given an apartment or added to the lease of a present tenant. The cost of screening will be a complex expense.

Applicants will be informed if they wish to remain on the waiting list, they must contact the office in person, by mail, or by telephone at least once every six months and inform Management of their wish to remain on the waiting list. They will also be informed it is their responsibility to let Management know of any change in their present address or telephone number. It will not be the responsibility of Management to search for applicants who have not kept their waiting list information current.

Applicants can be ruled ineligible immediately for such HUD-determined factors as:

1. household does not meet the population characteristics required by HUD for Marion Unity - head of household or spouse is not physically disabled or annual income of household exceeds the applicable income limit established and revised annually for the area by HUD. Eligibility for assistance is based on the income limit applicable to the type of housing assistance the applicant is to receive. (Individual complexes may request a waiver to admit low-income applicants. Any such waivers are attached to this Tenant Selection Plan.)
2. a member of the applicant's household fails any of the screening criteria involving rental history and/or landlord reference, credit, NSOPR, or criminal checks.

If an applicant is determined ineligible for admittance, he/she will be notified in writing giving the specific reason(s). Any such letters, along with all application packet information, must be maintained in a file called REJECTED APPLICATIONS for a period of at least three (3) years.

## **OPENING AND CLOSING THE WAITING LIST**

Applications will be accepted for the waiting list until such time as Management determines that the wait for an applicant for a particular type of unit would be in excess of one year. At this time, the waiting list for that type of unit will be closed, and no more applicants will be accepted for that particular type of unit until Management determines that the waiting period for an applicant will be less than one year. Opening and closing the waiting list will be done by publishing a notice in local newspapers and verbally with applicants, informing them to check back in so many months, in the event a waiting list is closed.

## **MAINTAINING THE WAITING LIST**

First priority for units with special accommodations will be given to those who can benefit from those special accommodations. The waiting list will be maintained in the following seniority order: by the date the pre-application was received by Management. Seniority shall be determined by the date the pre-application was received by Management.

The waiting list will be periodically revised, removing any applicants who have not updated their information within the last six months. Although it is the applicant's responsibility to contact Management every six months to keep his/her pre-application active, Management will mail a written notice to the applicant's last

known address advising him/her that he/she has ten (10) days to contact the rental office, or his/her pre-application will be removed from the waiting list. A hand-written waiting list will be maintained in-house for unit transfers.

## **II. TENANT SELECTION**

Apartments will be rented to eligible single persons or families. Legal proof of dependency must be provided for any minor who is not the dependent son or daughter of the applicant. Apartment size will be determined by the governing factor that at least one, but no more than two persons shall occupy a bedroom. People of the opposite sex will not be required to share a bedroom.

A Live-In Aide is defined as a person who (1) lives with an elderly or disabled individual, (2) is essential to the individual's care and well-being, (3) is not obligated for the individual's support, and (4) would not be living in the unit except to provide support services to the individual. A Live-In Aide will have no right to tenancy when the original tenant (a) no longer has need for a Live-In Aide or (b) no longer resides at the complex. A Live-In Aide will not occupy an apartment when the tenant who has need for his/her services is not occupying the apartment. A Live-In Aide shall vacate the premises within thirty (30) days after his/her services are no longer required. Need for a Live-In Aide must be substantiated by a health care provider on the appropriate verification form, and the Tenant and Live-In Aide must sign a Lease Addendum regarding the Live-In Aide.

If a member of a present tenant's family or a Live-In Aide at some time wishes to have his/her own apartment, he/she must fill out an application packet and go through the entire application procedure just like any other applicant.

The head of household/spouse/co-head must disclose Social Security Numbers (SSN)'s for all family members. Adequate documentation means a social security card issued by the Social Security Administration (SSA). Each member of the applicant's household except for those who do not claim to have eligible immigration status and persons 62 and older who were already receiving federal housing assistance somewhere else on January 31, 2010, must disclose such SSN before the household may be housed. Acceptable documentation necessary to verify the SSN of an individual is a valid SSN card issued by the SSA or an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual.

When an applicant has an SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided. Owners must accept the certification and continue to process the individual's application. However, an applicant may not become a resident of subsidized housing unless the applicant submits the required SSN documentation to the owner. The applicant must provide SSN documentation to the owner within 60 days from the date on which the applicant certified that the documentation was not available. 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/her place on the waiting list for the 60-day period during which the applicant is trying to obtain documentation. If any one member of the household does not have their SSN, then the household is not eligible for subsidy. 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.

## **ELIGIBILITY OF APPLICANTS WHO ARE ENROLLED IN AN INSTITUTE OF HIGHER EDUCATION**

1) The student 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 for occupancy; **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 pursuant to 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. This certification is required even if no assistance will be provided.

### **SELECTING APPLICANTS FROM WAITING LIST**

When a vacancy occurs in a particular type of unit (handicap accessible), Management will first determine if any unit transfer is necessary. Any unit transfer will be made prior to searching the waiting list.

If no unit transfers are necessary, Management will review the waiting list to see who is the most senior applicant or the most senior applicant claiming a need for a handicap accessible unit, if the available unit is handicapped accessible.

If the applicant selected is not able to occupy the available unit within a reasonable period of time, he/she will be returned to his/her place on the waiting list, and the next applicant will be selected. However, if the applicant is not able to occupy the second unit offered within a reasonable time, his/her pre-application will be removed from the waiting list and a new pre-application will be required.

### **DEFINITION OF ELIGIBLE HOUSEHOLD**

To be eligible for residency, the following conditions must be met:

1. Head of Household or spouse must be physically disabled;
2. The household's annual income must not exceed the applicable income limit established and revised annually for the area by HUD. HUD establishes and publishes income limits for each county or Metropolitan Statistical Area in the country. The income limits are based on the median income of the geographic area for which the limit is established. Therefore, the income limit for one city or county is likely to be very different from the income limit for another city or county. Income limits are published annually and are available from the local HUD office or on-line at [www.huduser.org](http://www.huduser.org). Income limits are based on family size. Most complexes must admit only applicants whose gross income does not exceed the very low-income limits. Any complex that has been granted a waiver may rent to higher income limits who also meet number 1 above. To receive rental assistance these applicants must be within the low-income limits.

3. All household members 18 years of age or older must pass the established screening criteria.

## **COMPLIANCE WITH ECONOMIC MIX REQUIREMENTS**

Those who would benefit from the special features of a handicap accessible unit will have priority for a handicap accessible unit. All applicants must meet the HUD established guidelines pertaining to income and age.

## **TENANT SCREENING CRITERIA**

The applicant's rental history will be checked with the present landlord and the prior landlord. The manager will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. The manager will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit or who attempt to receive HUD assistance in two separate residences. The applicant will be rejected if there is:

- (1) an incident in which the applicant moved-out with no notice or owes a balance for rent or damages;
- (2) an eviction for just cause; however, if the eviction was for nonpayment of rent, consideration will be given to the applicant's financial ability to pay the required rent;
- (3) two incidents of late payment of rent during any six-month period;
- (4) any incident in which the applicant, a household member, or guest was destructive to the apartment or premises, or was responsible for disturbing the safety, security, or right to peaceful enjoyment of the premises by other tenants;
- (5) any unauthorized alteration to the apartment which would create an insurance risk or fire hazard;
- (6) an indication of unsanitary living conditions due to poor housekeeping; or,
- (7) negative termination of assistance or tenancy in a subsidized housing program due to fraud, nonpayment of rent, or failure to cooperate with the recertification process.

If the applicant does not have a rental history, two personal (non-family) references must be provided. The applicant will complete and sign forms authorizing a background credit and criminal check. An applicant will fail credit screening if the reported score of positive accounts to total accounts is below 50%, if the applicant has unpaid utility bills, or if there is a discovery of information which the applicant did not divulge, such as former landlord or current employment. The applicant may be reconsidered when proof is provided that the utility has been paid. Consideration will be given in cases where the family has incurred major medical expenses in the past which have led to the credit problem.

A criminal check will be done on all applicants for housing. Each member of the household age 18 and older will sign a criminal check verification release form. A criminal check through appropriate agencies will be conducted to gather information regarding arrests and disposition of each case.

An applicant will be rejected for housing if the criminal check reveals that any household member has:

- (1) an arrest and conviction for any criminal activity defined under the State and Local Penal Code within the last five years; \*

- (2) been convicted of a sex offense and subject to a lifetime registration requirement under State or Federal Law;
- (3) a pattern of criminal behavior and/or gang activity and such behavior presents a real or potential threat to residents and/or property;
- (4) arrest and conviction of criminal activity at any time in the past that may be considered to cause a potential threat to the health and/or safety of the tenants or staff of the complex.
- (5) an eviction from Federally-assisted housing for drug-related criminal activity for five years from the date of eviction;
- (6) a lifetime registration requirement under a state sex offender registration program or conviction of a sex crime; or,
- (7) currently on probation for any criminal activity.

\*An applicant who has been charged with a crime, but not yet tried, will be maintained in place on the waiting list pending the outcome of the trial or other disposition of the case. When the case has been resolved, the applicant's eligibility for an apartment will be determined based upon guidelines in the Tenant Selection Plan. Accordingly, the applicant will either be rejected for an appropriate reason or will be offered an apartment when his/her name is the next on the waiting list for that type of unit.

In order to protect the health and safety of tenants and employees and to ensure that tenants maintain the right to the peaceful enjoyment of the premises and in order to help maintain a drug-free complex, the following policy will be strictly followed:

Management will not admit a new tenant or approve a request by a current tenant to add a person to a household if Management has reason to believe the proposed new household member has engaged in, or is currently engaged in:

- (1) drug-related criminal activity;
- (2) violent criminal activity;
- (3) criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- (4) criminal activity that threatens the health or safety of employees at the site or persons with whom the site conducts business;
- (5) illegal drug use;
- (6) abuse of alcohol to the extent that there is reasonable cause to believe that it would interfere with the health, safety, or right to peaceful enjoyment of the premises by residents.

Applicants will be rejected for reasons including, but not limited to, the following:

- a. Neither head of household or spouse meets the definition of eligible household stated previously.
- b. Income of household exceeds allowable income guidelines established by HUD.
- c. Failing rental history screening.
- d. Falsifying information on the application and related paperwork.
- e. Household composition is too large for apartment size according to occupancy standards.
- f. Failing criminal check.

- g. Inability to furnish proof of necessary social security number.
- h. Unpaid utility bills.
- i. Failing credit check.
- j. Refusing to provide information or sign verification releases or other paperwork necessary to process the application.
- k. Inappropriate conduct during interview, such as swearing, threatening, etc.
- l. Name of household member is on the National Sex Offender Public Registry (NSOPR).

An applicant who fails the rental history and/or reference, NSOPR, criminal, or credit check for any complex managed by HRDE will be considered to have failed the rental history and/or reference, NSOPR, criminal or credit check for all complexes managed by HRDE.

### **CITIZENSHIP REQUIREMENTS**

By law, assistance in subsidized housing is restricted to the following: 1) U.S. citizens or nationals; and, 2) Non-citizens who have eligible immigration status as determined by HUD.

All family members, regardless of age, at admission must declare their citizenship or immigration status. U.S. citizens must sign a declaration of citizenship.

Non-citizens (except those aged 62 and older) must provide a signed declaration of eligible immigration status, a signed verification consent form and submit one of the HUD-approved Department of Homeland Security (DHS) documents verifying their immigration status, or sign a declaration that they do not contend eligible immigration status. Non-citizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document.

Management will utilize the Multifamily Systematic Alien Verification for Entitlements (SAVE) System to verify the validity of documentation provided by non-citizen applicants.

Please note: Management will not delay a family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, Management will offer the family a unit. However, Management will only provide assistance to the family members determined to be eligible and to those family members that submitted their immigration documents on time. If any family members do not provide the required immigration documentation, then the assistance for the family will be prorated.

A mixed family is a family with one or more ineligible family members and one or more eligible family members, and may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance. Mixed families qualify only for pro-rated assistance in accordance with HUD regulations.

Applicants who hold a non-citizen student visa are ineligible for assistance as are any non-citizen family members living with the student. However, spouses and children who are citizens may receive assistance.

### **PROCEDURE FOR REJECTING INELIGIBLE APPLICANTS**

If an applicant is found to be ineligible for any reason, he/she will be so notified in writing stating the following:

- (1) The reason for this rejection.
- (2) The applicant has 14 days to respond in writing and/or to request an appeal hearing to discuss the rejection.
- (3) An individual with a disability has the right to request reasonable accommodations to participate in the informal hearing process.

Any meeting with the applicant or review of the applicant's written response must be conducted by a member of the owner's staff who did not make the initial decision to reject the applicant. If the applicant appeals the rejection, the owner must give the applicant a written final decision within five days of the response or meeting.

The owner must keep all information pertaining to this rejection on file for at least three years, including application, initial rejection notice, any applicant reply, owner's final response, and all interviews and verified information on which the owner based the rejection. All letters of rejection, together with the application packet, will be maintained by Management for a period of three (3) years in a separate file marked REJECTED APPLICATIONS.

### **III. OCCUPANCY**

When a vacancy occurs, the most senior applicant on the waiting list for the size unit available (considering [1] need for handicap accessible unit, [2] date of receipt of pre-application) will be called to come in for a personal interview and will be required to update the application. To qualify for occupancy and rental assistance, applicants must meet the HUD guidelines for the specific housing complex in which they choose to reside.

Following is the guideline for Marion Unity: Applicant must be physically disabled and meet the very low-income guidelines issued by HUD.

An interview will be scheduled, preferably Monday through Friday, during regular working hours of 8:30 a.m. to 4:30 p.m. During this interview, the applicant will be shown an apartment, given a tour of the complex and told about the available amenities, such as activities, security features, etc. For the interview, the applicant will be asked to bring records of income, asset information, medical expenses, Social Security cards, birth certificates, and any other records Management feels will help determine eligibility. Copies of this information will be placed in the applicant's file, along with the application packet. The applicant will be required to sign verification release forms which have been properly completed for each type of income, asset or medical expense claimed. Each person 18 years of age or older who will be a party to the lease must sign all required paperwork.

A signed copy of these forms will be filed in the applicant's file folder, and the original will be mailed, along with a self-addressed, stamped envelope to the appropriate source listed on the form. Management may hand deliver the forms if necessary, but under no circumstance may an applicant be given the form for delivery or completion. The applicant must be given a copy of these forms if it is requested.

Applicants selected for final screening and application processing have a right to know that the manager has access to a system containing personal and financial information about them. An "EIV & You" brochure will be given to all applicants in an effort to reduce fraud, waste and abuse in HUD's rental assistance programs. All



applicants must disclose if they are currently receiving HUD housing assistance. The manager will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit or who attempt to receive HUD assistance in two separate residences.

The applicant will be informed that Title 18, Section 1001 of the U.S. Code states “a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form”.

Penalties for giving false information on the application and/or to Management will include eviction, loss of rental assistance, fines up to \$10,000 and imprisonment for up to five years.

Before any applicant can be admitted the applicant must pass the screening criteria. Information regarding applicant’s income, assets, and medical expenses must also be verified by Management. When completed verifications are returned, they should replace the blank copy in the applicant’s file or if other resources are returned which provide the appropriate information, these should be attached to the blank verification form in the applicant’s file. When all verifications are returned, Management shall proceed to process the applicant's paperwork through the computer to move the applicant into the available apartment. All verification forms must contain statements providing applicants with information and rights they must be made aware of.

When the paperwork has been processed, the applicant should sign two copies of the following documents: Tenant Certification-50059, Privacy Act, Lease Agreement, Initial Notice of Recertification, Is Fraud Worth It?, HUD 92006 and House Rules. Management should also sign as appropriate. One copy of each is given to the applicant and one copy is placed in the applicant's file.

#### **EXTENDED ABSCENCES OR ABANDONMENT OF UNIT**

Units with tenants who are or have been hospitalized, or are in the process of rehabilitation and the physician feels will return home, may continue to lease the unit as long as they are willing and able to pay the rent.

Units with tenants knowingly maintaining two residences will receive a 30 day notice that their Lease is being terminated and they will be evicted.

#### **CHARGES FOR FACILITIES AND SERVICES**

There is a coin-operated laundromat for the convenience of tenants. Cable television is available for a nominal rate.

#### **UNIT SIZE AND TYPE**

Marion Unity offers one-bedroom apartments. A single person is eligible for a one-bedroom unit. Occupancy will be based upon no more than two people sharing a bedroom. People of the opposite sex will not be required to share a bedroom. Over-occupancy in a unit that is too small will not be permitted.

#### **ASSIGNING ACCESSIBLE UNITS**

Handicapped accessible units will be assigned to persons who have need of such a unit, if possible. Management will make inquiries and verify the applicant has a need for the accessible features. Handicapped accessible units may be rented to non-handicapped persons in order to keep the unit occupied. By giving a 30-day written notice, Management can require a tenant to move to another unit if one becomes available and there is a need for the handicapped unit if:

1. a tenant who does not require the features of a handicapped unit is permitted to move into a handicapped accessible unit, or
2. a household no longer benefits from the features of a handicapped accessible unit.

## **SECURITY AND KEY DEPOSIT**

Each tenant will be required to pay a security deposit which is the greater of \$50.00 or the "Total Tenant Payment" calculated on the initial 50059 (which is equal to one month's rent plus the allowable Utility Allowance). Payment of the security deposit in full is expected at the time of move-in; however, arrangements can be made to pay the security deposit in payments over a three-month period. If an applicant chooses to pay the security deposit in payments, a Security Deposit Payment Agreement will be executed the day of the move in. If a tenant requests a unit transfer for any reason, the security deposit on the new unit will be determined in accordance with the above rules using the Unit Transfer 50059. All security deposits will be placed in an interest-bearing account.

Security deposit plus interest will be returned to the tenant within 30 days after move-out, less charges for unpaid rent, damages, etc., provided the tenant gives a proper 30-day written notice of intent to vacate and provides a forwarding address. Tenants who do not give a proper 30-day notice and provide a forwarding address when vacating an apartment may forfeit their security deposit, in addition to being charged for any damages to the unit and for unpaid rent through the 30-day period.

A key deposit of \$15.00 will be required of each tenant. Payment of this key deposit must be made at the time of move in. This key deposit will be placed in the appropriate security deposit account and will be returned to the tenant at move-out if all keys are returned to Management.

## **UNIT INSPECTIONS**

Management will conduct a unit inspection with the tenant at the time of move-in, noting any items that need repaired or that the tenant should not be held accountable for. This unit inspection will remain in the tenant's file as long as the tenant remains at the housing complex. At the time of move-out, a unit inspection will be conducted by Management. The tenant should be present during the unit inspection. A comparison of these two inspections will determine damage charges for which the tenant is responsible.

Periodic unit inspections will be conducted at least annually by Management. There will be periodic inspections by the Department of Housing and Urban Development (HUD). Tenants will be notified in writing of any deficiencies found during inspections and will have a period of 10 days to correct such deficiency. Tenants found to be deficient during any subsequent inspection will be given a 30-day notice that their Lease is being terminated.

## **PETS**

Pets are permitted at Marion Unity in accordance with the Pet Agreement that must be signed before any pet may be brought onto the premises. Only a properly registered pet of the Tenant may be brought onto the premises. NO GUEST IS PERMITTED TO BRING A PET ONTO THE PREMISES UNDER ANY CIRCUMSTANCE, AND NO TENANT MAY HAVE A PET TEMPORARILY STAYING IN HIS/HER APARTMENT. VIOLATION OF THIS RULE IS DEEMED TO BE A SUBSTANTIAL VIOLATION OF THE TENANT'S LEASE AND MAY RESULT IN TERMINATION OF THE LEASE. Assistance animals required to accommodate the disability of a tenant or guest are permitted according to State and Federal laws.

## **ANNUAL RECERTIFICATION**

Tenants receiving Section 8 assistance or paying less than the Fair Market Value of a unit are required to be recertified at least annually. Tenants are given an Initial Notice at the time of signing the initial certification or annual recertification that in approximately eight months, they will be required to provide proof of their income, assets, medical expenses, childcare expenses, family composition, etc. Approximately 120 days before their recertification date, tenants will be sent a notice that they must come to the office and recertify. At this time, they will be required to disclose names and addresses to obtain pertinent information and to sign verification forms allowing the release to Management of the pertinent information. Failure to provide the required information will result in the tenant paying Fair Market Rent for the unit and possibly in being removed from the unit. An "EIV & You" brochure along with "How Your Rent is Determined" will be provided at the time of annual certification. Enterprise Income Verification System (EIV) will be reviewed on an annual basis, at each annual certification. At this time, the tenant will be asked to sign and date the EIV income information sheet if they are in agreement with the document and/or provide the management with a current (within 120 days) income benefit letter if there is any reason to dispute the EIV information. If any household member receives or attempts 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. If tenants accurately report their income then the right amount of rental assistance will be paid on their behalf, thus allowing more families to receive the rental assistance they need. Failure to accurately report income and/or assistance is a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

An NSOPR review will also occur during annual certification to ensure that no adult household member has become subject to the National Sex Offender Public Registry.

## **INTERIM RECERTIFICATIONS**

Tenants are required to report certain interim changes such as:

- a. an increase in income of \$200.00 or more per month from any source.
- b. a change in household composition, such as someone dies or moves out.
- c. a change in household composition if Tenant wishes to add someone to the Lease.

Tenants are required to make such report to Management immediately when such change occurs, but no

later than 15 days following such change.

Tenants may also report other interim changes, such as a decrease in income or a substantial increase in medical costs.

### **IMPLEMENTATION OF HOUSE RULE CHANGES**

Each tenant will receive a copy of the House Rules, which becomes a part of his/her Lease. House Rules are subject to reasonable change following a 30-day notice of such to each tenant. Revised House Rules will be posted in the office with the effective date, and a copy will be hand delivered to each tenant.

### **VICTIM OF DOMESTIC VIOLENCE (VAWA)**

In order to protect qualified tenants and family members of tenants who are victims of domestic violence, dating violence or stalking from being evicted or terminated from housing assistance, a family member must complete and submit a certification form within 14 business days of receiving a written request by the owner or manager. The certification, available in the management office, or alternate documentation must be returned to the person and address specified in the written request for the certification and must include the perpetrator's name. Alternate documentation may include, but is not limited to: a federal, state, tribal, territorial or local police or court record; or documentation signed by an employee or agent of a victim service provider, attorney or medical professional from whom the victim has sought assistance. Removal of the household member from the lease will be taken by the manager without penalizing the victim of the violence, who is also a tenant or lawful occupant.

### **ANNUAL REVIEW OF UTILITY ALLOWANCES & OTHER APPROVED SERVICES**

When tenants move into Marion Unity, they will sign an authorization for Management to receive copies of their electric bills from the power company providing electricity and water bills, if Utility Allowance includes water. This information will be used as appropriate to determine whether modification needs to be made to the Utility Allowance.

### **UNIT TRANSFERS**

Unit transfers will be permitted for a disability when the connection between the disability and the reasonable accommodation request is documented on the HUD 90102. Marion Unity may request reliable disability-related information that (1) is necessary to verify that the person meets the definition of disability, (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation. A doctor or other medical professional, a peer support group, a medical service agency, or a reliable third party who is in a position to know about the individual's disability may also complete the verification of a disability. Other reasons will be permitted only at Management's discretion. If a handicap accessible unit is rented to a tenant who does not have need of this feature, or if a household no longer benefits from the features of a handicap accessible unit, the tenant may be required to move to a regular unit upon 30 days written notice from Management.

If a tenant who requires the features of a handicap accessible unit chooses to move from such a unit to one

that is not accessible, he/she will do so at his/her own expense and he/she will bear the burden of making any necessary accommodations in the new unit.

In all cases of a unit transfer, for any reason whatsoever, the rent, damages, and all related charges will first be settled on the original apartment and the balance of the security deposit will be applied to the new unit or refunded to the tenant, as appropriate.

No unit transfer will take place until these charges are paid. Unless transferring at the request of Management, the tenant will be required to pay the appropriate security deposit on the new apartment based on the Unit Transfer 50059.

### **SELECTION OF IN-PLACE RESIDENTS VERSUS APPLICANTS FROM THE WAITING LIST WHEN VACANCIES OCCUR**

When a vacancy occurs, Management will first determine if any unit transfer is necessary due to change in household composition, etc. Any required unit transfers will be made prior to any new applicants being processed. If a member of a current household or a Live-In Aide wishes to be eligible for a unit, he/she must fill out an application packet and be placed on the waiting list like any other applicant.

### **TENANT STIPEND**

When work is available at a housing complex managed by HRDE, tenants are eligible to earn up to \$199.00 per month doing part-time work for the complex without having to count this income toward determining their rent. More than one person in a family can earn up to \$199.00/month working for the complex.

### **ENTERPRISE INCOME VERIFICATION SYSTEM (EIV)**

The Department of Housing and Urban Development's EIV system contains sensitive data obtained from the Department of Health and Human Services (HHS), the Social Security Administration (SSA), and from other HUD Secured Systems that must be protected. Access to the information in the EIV is based on a need to perform official HUD business. EIV is an automated system that is free to the user and available 24 hours a day, 7 days a week.

Owners, management agents, service bureau staff, contract administrator staff and independent public auditors without access to the EIV system are required to agree to HUD's Rules of Behavior to ensure that an adequate level of protection is afforded to the disclosure and use of information contained in the EIV system. These Rules of Behavior serve as an administrative safeguard in determining improper disclosure and use of information by individuals who do not have access to the EIV system, but who are in possession of information from EIV provided to them by authorized EIV system users, or in order to perform their job.

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 voucher before HUD assistance on this property will begin. Special consideration applies to:

- Minor children where both parents share 50% custody or

- Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit.

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant’s “misrepresentation” of information.

The EIV system in its entirety should be used as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income also to reduce administrative and subsidy payment errors in accordance with HUD administrative guidance. EIV data will not be released to any tenant, but will be reviewed by the tenant during recertification. The tenant will not only review the information, but also sign and date the EIV information sheet if the information appears to be correct. In a timely manner, any disparities in family employment, income, identity or receipt of duplicate rental assistance will be followed up on with the household. Necessary subsidy adjustments will be made based on confirmed information that may not have been reported or may have been understated by the family. A Repayment Agreement will be executed between the manager and the household to ensure that all monies owed are paid in a timely fashion.

<b>EIV REPORT:</b>	<b>FREQUENCY:</b>
Existing Tenant Search	At Application
No Income Reported on 50059	90 Days After MI and Recertification
Income Discrepancy Report	Recertification
No Income Reported on HHS or SSA	Quarterly (for Zero Income Tenants)
New Hires Report	Quarterly
Multiple Subsidy Report	Quarterly
Deceased Tenant Report	Quarterly
Identity Verification Report	
Failed EIV Screening Report	Monthly
Failed Verification Report (SSA test)	Monthly

To ensure the Social Security Number is transmitted correctly, the manager must use the Failed EIV Pre-Screening Report and the Failed Verification Report in EIV in accordance with the instructions in the current HUD Housing Notice. The Failed EIV Pre-Screening Report identifies tenants who failed the EIV pre-screening test due to invalid or missing personal identifiers. The Failed Verification Report identifies tenants that have had their personal identifiers sent to the Social Security Administration (SSA), via HUD’s computer matching program with the SSA, but the data could not be verified by SSA due to missing or invalid information or other SSA issues. On a quarterly basis the EIV system – New Hires Report, Multiple Subsidy Report, Deceased Tenant Report and No Income Reported by HHS or SSA will be reviewed. The EIV system – Identity Verification Report will be reviewed on a monthly basis by management. SSA does not provide income information to verify survivors benefits when these benefits are paid via the deceased spouse/parent’s Social Security Number-this information

must be verified using traditional verification methods. All reports will be reviewed and kept on file in the management office along with any other documentation showing what issues were corrected and what was done to correct said issues.

EIV has been determined to be the most effective, efficient, and least burdensome way to verify income.

#### **IV. FAIR HOUSING REQUIREMENTS**

##### **NONDISCRIMINATION POLICIES**

Each housing complex managed by HRDE, Inc. is an equal housing complex. Applicants or tenants of any housing complex managed by HRDE, Inc. will not be subject to discrimination based upon race, color, creed, religion, sex, national origin, age, familial status, or disability. HRDE, Inc. employs an Equal Opportunity Officer, Dr. Jessica Thompson, who can be reached at 1644 Mileground, Morgantown, WV 26505, telephone number (304) 296-8223 ext 22, or TDD telephone relay 1-800-982-8771. Any indication of discrimination should be reported at once.

##### **504/FHAA COMPLIANCE**

Section 504 of the Rehabilitation Act of 1973, as amended, states that no otherwise qualified individual with a disability shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Each housing complex managed by HRDE, Inc. has a Section 504 compliance form on file for your inspection.

The Fair Housing Amendments Act of 1988 states that it is unlawful for a complex to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

It is HRDE's intention to comply with all 504 and Fair Housing Act requirements. Requests for accommodation will be reviewed on a case-by-case basis to insure that they are realistic without causing undue financial burden to the complex.

##### **SETTLING COMPLAINTS**

All complaints regarding operating procedures at the complex are to be registered with Management. If the complaint cannot be resolved following a meeting between Management and the applicant or tenant, the complaint must be put in writing and addressed to the person listed below:

HRDE – Housing Administrative Assistant  
1644 Mileground  
Morgantown, WV 26505

The applicant or tenant should give an explanation of the complaint, what outcome is desired, and an

address and telephone number at which he/she can be reached. Telephone calls to the Main Office will result in the applicant or tenant being referred back to the Manager. If the applicant or tenant is a person with a disability or other circumstance which prevents him/her from putting the complaint in writing, he/she may inform Management of this fact and may request Management to make reasonable accommodations in nonessential policies or practices to enable equal opportunity.



Rev. 6/2022