

SECTION 8

RESIDENT SELECTION CRITERIA

SECTION 8 - ELDERLY

I. ELIGIBILITY REQUIREMENTS

A. Project Eligibility – the applicant household must be an Elderly or Disabled Family, as defined by HUD guidelines.

- a.** Elderly Family – A family (as defined in 24 CFR 5.403) whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)
- b.** The units in this property were built primarily for the elderly, and as such adheres to criteria established to conform to Section 651 & 658 Title VI, Subtitle D, of the Housing and Community Development Act of 1992, and the regulatory Agreement established for this development. Priority is provided to elderly families in selecting residents for the housing here, in addition to providing a set aside of units for non-elderly disabled. This property, in accordance with the Section 504 of the Rehabilitation Act, has 14 (10%) units set aside for disabled families. The set aside units can either be an accessible or a non-accessible unit.
- c.** Disabled Household – Disabled household means a household composition composed of:
 - i.** One or more persons at least one of whom is an adult (18 years or older) who has a disability;
 - ii.** Two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a certification from an appropriate professional (e.g., a rehabilitation counselor, social worker, or licensed physician) to be important to their care or well being.

B. Program Eligibility –to be eligible to receive assistance, the following criteria must be met:

- a.** Citizenship Status
 - i.** All applicants must go through the Section 214 Review of the Housing and Community Development Act 1980, as amended.
 - ii.** Submission of evidence of citizenship or eligible immigration status is required.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- iii.** Non-citizens 62 years and older, a signed declaration of eligible non-citizen status and proof of age.
 - iv.** Non-citizens under the age of 62 claiming eligible status: (1) A signed declaration of eligible Immigration status; (2) A signed consent form; (3) An acceptable DHS document (described in detail on Citizenship Declaration form, Exhibit 3-5 taken from 4350.3 REV 1, Change 4 HUD Handbook; given to and filled out by each applicant).
 - v.** Systematic Alien Verification for Entitlements (SAVE) will be used for all non-citizens claiming eligibility to verify documents from DHS
 - vi.** U.S. citizens or U.S. Nationals must present a U.S. passport, U.S. birth certificate, Employment Authorization card, Temporary Resident card, or other appropriate documentation, as provided by section 214.
 - vii.** If no members provide verifiable documentation of citizenship, occupancy will be denied until documentation is provided.
 - viii.** All households must meet the HUD guidelines regarding citizenship eligibility.
- b.** Social Security number requirements according to regulation at 24 CFR 5.216 and HUD Notice h 10-08 issued on April 13, 2010 listing changes in regulation at 24 CFR 5.216.
- i.** All family members claiming eligible immigration status and requesting assistance, regardless of age, must disclose and document their Social Security Number prior to admission. The applicant must provide verification of Social Security numbers for all household members. Applicants who have not disclosed and/or provided verification of SSNs for all non-exempt household members have 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. If all household members claiming eligibility have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant will be offered the available unit. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list. The SSN requirements do not apply to persons not claiming eligible immigration status.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- ii. Applicants must comply with all Social Security requirements for eligibility. The SSN requirements do not apply to persons not claiming eligible immigration status.
- c. For eligibility purposes, the requirement to disclose a Social Security number is waived if:
 - i. A household member is 62 or older as of January 31, 2010 and eligibility determination started before January 31, 2010. For these applicants, documentation will be obtained from the owner of the property where the initial determination of eligibility was determined that verifies the applicant's exemption status.
 - ii. A household member is an ineligible non-citizen. This household member does not qualify for assistance; therefore household assistance will be prorated.
- d. The applicant must be of legal contract age (18 years of age or older).
- e. The student eligibility restriction (effective January 30, 2006):
Student Status requirements under Section 8 – All households must meet the student status requirements under Section 8 guidelines.
 - i. Under the project-based Section 8 program, assistance shall ***not*** be provided to any individual who:
 - 1. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
 - 2. Is under the age of 24; and
 - 3. Is not married; and
 - 4. Is not a veteran of the United States Military;
 - 5. Does not have a dependent child; and
 - 6. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E) and was not receiving Section 8 assistance as of November 30, 2005; and
 - 7. Is not living with his or her parents who are receiving Section 8 assistance; and
 - 8. Is not individually eligible to receive Section 8 assistance **or** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.
 - ii. For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from,



SILVA-MARKHAM PARTNERS, Denver, Colorado

parents. The students must meet, at a minimum **all** of the following criteria to be eligible for Section 8 assistance. The student must:

1. Be of legal contract age under state law;
 2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or meet the U.S. Department of Education's definition of Independent Student (see above);
 3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 4. 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.
- iii.** Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.
- iv.** If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the HUD regulations.
- v.** Owner will not evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.
- f.** The student eligibility restrictions LIHTC – All households must meet the student status requirements under LIHTC guidelines.
- i.** Under the LIHTC program, a student (all household members who are age 18 or older) enrolled in an Education program will be deemed eligible for assistance if the student meets all other eligibility requirements, passes screening criteria and is:
 1. All household members are married and filing joint tax returns or are eligible to file a joint tax return with their spouse; or
 2. The household consists of a single parent with children and no household member is listed as a dependent on another person's income tax return except for the tax return for a child's other parent; or



SILVA-MARKHAM PARTNERS, Denver, Colorado

3. One household member receives TANF (welfare); or
 4. One household member participates in a job training program; or
 5. One household member was a participant in the foster care program.
- g. All adult household members (18 years of age and older) and each family head, spouse or co-head (regardless of age) must sign and date the *Notice and Consent for the Release of Information*, Form HUD-9887/9887A, at initial certification and at each annual and interim recertification thereafter. All adults regardless of whether they report income must sign and date these forms. In addition, when new adult members join the household and when members of the household become 18 years of age, they must also sign and date this and all other relevant consent forms. Owner created verification forms and the forms HUD-9887 and HUD-9887A expire 15 months after they are signed.
- h. The applicant must pay the rent calculated according to the Department of Housing and Urban Development (HUD) rules. Minimum Total Tenant Payment of Twenty-five Dollars (\$25.00) per month will be charged.
- i. The unit must be applicant's ONLY residence.
- j. Tenants must not receive assistance for two units at the same time.
- k. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property. The assisted tenancy in the unit being vacated must end the day before the subsidy begins in the new unit.

II. EXISTING TENANT SEARCH

A. HUD provides Management with information about an applicant's current status as a HUD housing assistance recipient. Management will use the Enterprise Income Verification (EIV) System to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. The search will be conducted for new applicants and prospective household members in existing households. The search will also be conducted for Live-in Aides which are non-household members. Nothing prohibits a HUD housing assistance recipient from applying to his 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

- a. Minor children where both parents share 50% custody.
- b. 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.



SILVA-MARKHAM PARTNERS, Denver, Colorado

B. This information will be reviewed after move-in on a quarterly basis through the EIV Multiple Subsidy Report. 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. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

III. INCOME LIMITS/ECONOMIC MIX REQUIREMENTS

A. Section 8 Program Income-Targeting Requirements

- a.** Management will make at least forty percent (40%) of the assisted units that become available in the property's fiscal year available to households with "extremely-low income" at the time of admission.
- b.** All of the turnover units in any year must be rented to households with incomes equal to or less than the very-low income limit.
- c.** All income limits for applicants and residents are set by HUD and Section 8 guidelines, and are updated annually.
- d.** An individual's or household's annual income must not exceed program income limits.
- e.** Current income limits can be viewed in the community office.

IV. POLICIES FOR ACCEPTING APPLICATIONS (OR PRE-APPLICATIONS)

- A.** Prospective Applicants may obtain Application and Resident Selection Criteria during regular office hours.
- B.** Once completed, Application can be brought back to the office during regular office hours or mailed to the address listed at the top of this document.

V. PROCEDURES FOR ACCEPTING APPLICATIONS AND SELECTING FROM THE WAITING LIST

A. Application – Intake

- i.** Each application will be date and time recorded upon receipt.
- ii.** If an appropriate size unit is not available, the applicant will be placed on the waitlist and a letter will be sent to the applicant.
- iii.** Applicant households who are displaced either by government action or a presidentially declared disaster must have their "displacement" status verified.
- iv.** Applications will be reviewed at the time of intake for accuracy and eligibility.
- v.** Written verification of application will take place when the applicant's name has reached the top of the wait list.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- vi. Application must be completed in its entirety and all blanks must be addressed.
- vii. A copy of this Resident Selection Criteria will be provided to the applicant at the time the application is made.

B. Waiting List Preference

- i. Priority is given to the first qualified elderly (62 years or older) applicant family on the waiting list for 130 of the total 144 units built primarily for the elderly.
- ii. The first qualified disabled family on the waiting list will be offered the first available unit set aside for non-elderly disabled (14 units total). If there are no disabled individuals on the list, the first qualified elderly family will be offered the unit.

C. Waiting List Procedures

- i. When an apartment becomes available, the applicant at the top of the waiting list will be contacted. Management will attempt to contact the applicant by telephone three (3) times during the next 48-hour period. If contact cannot be made by telephone, a letter will be sent by mail requesting an interview. If there is no response to the letter within fourteen (14) business days, the applicant will forfeit the opportunity for the available unit but will remain at the top of the waiting list. When a second unit becomes available, the same process as outlined previously will occur. If the applicant does not respond to the second letter she/he will be placed in the inactive file. A letter will be sent via U.S. Mail informing them that they have been removed from the waiting list.
- ii. Applicants are responsible for updating contact information with the management office as applicant's information changes.
- iii. In accordance with HUD income targeting requirements, 40% of new admissions to the property will be applicants with extremely low income. Should admissions fall outside the 40% HUD requirement, the next available person on the waiting list meeting the extremely low income requirement will advance to the top of the waiting list for an appropriately sized unit. The sequence of the waitlist remains the same with household who is not extremely low income remaining at the top of the waitlist until the property falls within the 40% of new admissions.
- iv. Upon successful completion of the interview process, an applicant will be offered a unit. In the event the applicant refuses the unit,



SILVA-MARKHAM PARTNERS, Denver, Colorado

and wishes to remain on the waiting list(s) for the next available unit; the applicant will be provided a second and third opportunity to accept units of available size for immediate occupancy. Should the applicant refuse to occupy the third unit available, regardless of size offered, the applicant will be notified their application will be removed from the waiting list.

- v. When an applicant fails to show up for a scheduled interview and does not contact management within 24 hours of the missed appointment, management will forward an Interview Decline letter, informing the applicant that their application is still active on the waiting list, but is no longer eligible for the current available unit. Management will attempt to contact the applicant at the time of the next available unit. The applicant's failure to attend a second scheduled interview will result in management forwarding a Notification of Removal from the waiting lists. The application will be placed in the inactive file.
- vi. Current tenants with a documented need for an accessible unit will be placed at the top of the Transfer Waiting List for an accessible unit on the date of receipt of documentation stating proof of need. Current tenant transfers for an accessible unit will take precedence over those on the Master Waiting List.
- vii. Current tenants with a request for reasonable accommodations will be placed on the Transfer Waiting List on the date of receipt of the request and second only to those with a documented need for an accessible unit. Current tenant transfers with a request for reasonable accommodations will take precedence over those on the Master Waiting List.
- viii. Current tenants requiring a larger or smaller unit due to change in family size or composition will be placed at the bottom of a separate Transfer Waiting List for an appropriate unit on the date tenant was informed they no longer meet HUD occupancy standards in the current unit. Preference will be determined by date order in alliance with the Master Waiting List.
- ix. When waiting lists are updated, all applicants will be contacted by written notice. Applicants failing to respond to written notice of Continued Interest within fourteen (14) business days will be removed from the waiting list and placed in an inactive waiting list file.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- x. An applicant may be on more than one unit type waiting list if they qualify for more than one unit type. The date of initial application will determine their place on the list.

D. Opening and Closing the Waiting List

- i. The waiting list will be closed for each unit size when the average wait is one year or more.
- ii. To close the waitlist, a notice will be published in a publication likely to be read by potential applicants. When Management re-opens the waitlist, the notice of action will be announced in a similar publication.

E. Applicant Screening Criteria

- a. A criminal background check will be completed on all adult members of the applicant family (18 years of age and older). This will coincide with the information provided by the applicant on the application. The results of this check will be the basis for rejection if any of the following is found:
 - i. Any household containing a member who was evicted in the last 5 years from federally assisted housing for drug-related criminal activity unless the evicted household member has successfully completed an approved drug rehabilitation program.
 - ii. The head of household or member of the household who committed a sexual offense or is a sexual offender that requires lifetime registration under a State registration program is rejected from the program.
 - iii. The database used by the property is the National Sex Offender Registry which checks against all states registries regardless of which states the applicant household members have lived.
 - iv. Management will reject the application if any person listed on the application is currently or has within 5 years been determined guilty of a serious crime or Felony. Management may consider all the circumstances relevant to a particular household's case to determine suitability. If extenuating circumstances are present, property staff will obtain approval through their Regional Manager and/or Director of Operations. These crimes may include, but not limited to the following:
 - 1. Conviction of the applicant or member of the applicant's family of a misdemeanor involving violence;



SILVA-MARKHAM PARTNERS, Denver, Colorado

2. Conviction of the applicant or member of the applicant's family for possession, usage or distribution of a controlled illegal substance. If the applicant household member can demonstrate that they have an addiction to a controlled substance, have a record of such impairment, or are regarded as having such impairment **and** have recovered from such additions and do not currently use or possess controlled substances. The applicant household member must submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.
 3. Conviction of the applicant or member of the applicant's family for possession of an unregistered firearm or possession of an illegal weapon;
 4. Records of fraudulent misrepresentations, disturbance of neighbors, destruction of property or other disruptive behavior.
 5. Irresponsible community behavior, which causes irreparable damage to the reputation of the community.
 6. Intimidation or threats of physical harm to management or maintenance personnel.
 7. The head of household or a member of the household gives reasonable cause to believe there is a pattern of abuse of alcohol.
- v. This community is committed to Drug-Free Housing. The Lease Agreement prohibits drug-related criminal activity on or near the premises. Violations of this Lease provision will be considered cause for termination of tenancy. Drug-related activity means the illegal manufacture, sale, distribution or use of a drug or the possession with the intent to manufacture, sell or distribute a controlled substance.
- vi. Knowledge gained after move-in of any criminal activity resulting in arrest or conviction of a household member for any of the above stated activities, may result in termination of the Lease Agreement.
- vii. References will be obtained from present and past Landlords for the last three years. An applicant may be rejected if these reports document failure to make payments or shows evidence that the



SILVA-MARKHAM PARTNERS, Denver, Colorado

applicant's household disturbed the right to peaceful enjoyment of the premises by other residents. The applicant will be rejected if the Landlord stated poor housekeeping habits, legal proceedings against the applicant's household and/or eviction. Verifiable rental history will include a completed Landlord Verification form signed by the current Landlord and any additional Landlords. All gaps in rental history must be explained in writing and will be verified by management. Applicants, whose history shows repeated late rental payments over the past three years, may be rejected. Lack of Landlord references alone will not be reason for rejection of the application.

- viii.** A credit check will be obtained for each adult member of the applicant's family without charge to the applicant.

This property utilizes OneSite to obtain credit information. An unacceptable credit history is one that reflects a history of repeated insufficient fund checks; derogatory credit, delinquent or charge off debt due other apartment communities, or unpaid utility company collections which would prohibit applicant from obtaining services. Applicants with unfavorable credit history that includes outstanding utility bills and or unpaid rent will be rejected unless proof can be shown the outstanding amount(s) was paid. Consideration will be granted when current credit history demonstrates a pattern of improvement; history of rent payment overshadows other debt issues or applicant can provide evidence of efforts to correct credit deficiencies through payment plans or other work out solutions. If an applicant is rejected due to an unfavorable credit rating, the applicant will have 14 days to appeal Management's decision. If the Applicant believes the Credit Report is incorrect or has erroneous information the applicant will have 60 days in which to correct the report. Applicants must provide acceptable proof on the company or agency's letterhead that the debts have been cleared, and no further delinquency exists. During the time of the 60 day appeal of the incorrect reporting, the applicant will not be considered for the vacant unit, however will remain on the waitlist. If the credit information has not been resolved after the 60 days, the applicant will be removed from the waitlist.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- ix.** Third party verification of income, assets, dependents, and eligibility will be required for all applicants. This will consist of original or authentic document(s) generated by a third party source. These documents must be current. Such documentation may be in possession of the applicant. If applicant is unable to provide adequate documentation, a written request will be sent out to the applicable party verifying current income, assets, dependent and eligibility. Verification forms are valid for 120 days from the date of receipt (not the effective date of the certification).
- x.** For all new admissions, including Initial Certifications (IC), EIV Income Reports will be run and reviewed 90 days after transmission of a move-in certification to TRACS to confirm/validate the income reported by the household
- xi.** The household must sign and date new consent release forms so that such documentation may be updated. If the household fails to sign and date the requested consent release forms, the application will be declined.

F. Procedures for Rejecting Ineligible Applicants

a. Reasons for Rejection

- i.** Applicants will be rejected if they fail to meet any HUD requirements with regard to income limits, household definition and household composition.
- ii.** History of violence as evidenced by previous landlords verification, a recent record of arrest and/or conviction;
- iii.** Applicants who cannot pay the deposit prior to move-in.
- iv.** History of drug or alcohol abuse as evidenced by previous landlords' verifications, recent record of arrest and/or conviction, and no current rehabilitative services;
- v.** History of rent arrears or poor rental background as evidenced by previous landlords' verification(s) and/or the credit report;
- vi.** Unfavorable credit score;
- vii.** Refusal to complete the Section 214 Review Declaration Form for every member of the household;
- viii.** Refusal to sign and date any required verification form for the release of information required to provide eligibility and/or rent calculation;



SILVA-MARKHAM PARTNERS, Denver, Colorado

- ix.** Unable to meet Social Security number requirements as defined in I (B)(b) of this document;
- x.** Refusal to sign and date HUD Forms 9887 and 9887-A, Consent for Release of Information, as required by HUD;
- xi.** History of lease violations as evidenced by previous landlords' verification(s);
- xii.** If any member of the household has committed fraud in connection with any Federal Housing Assistance Program or been evicted from Federal Housing for drug-related criminal activity within the last five years.

b. Rejection Notices

Applicants rejected will be notified in writing and advising the applicant that they have fourteen days (14) in which to contact Management for an appointment to discuss the rejection. If the applicant appeals the decision, a written notice of Management's decision will be sent to the applicant within five days of the meeting. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

If an applicant is rejected due to credit rating, the applicant will be granted 14-days to appeal Management's decision.

Applicants rejected for any other reason may re-apply if twelve (12) months have passed since the application was rejected.

c. VAWA – Violence Against Women Act

In all cases where a tenant is the victim of domestic violence, dating violence, or stalking, or criminal activity directly related to domestic violence, dating violence, or stalking at the Property, in actions or potential actions to terminate a tenancy as a result of such domestic violence, dating violence or stalking, or criminal activity directly related to domestic violence, dating violence or stalking at the Property, the Owner shall follow 24 CFR part 5, subpart L..

An applicant will not be rejected on the basis of being the victim of domestic violence, dating violence or stalking, or criminal activity directly related to domestic violence, dating violence or stalking if an applicant proves he or she is the victim of domestic violence, dating violence or stalking, or criminal activity directly related to domestic violence, dating violence, or stalking and if applicant otherwise qualifies for assistance or admission. In order to prove that the applicant is the victim of domestic violence, dating



SILVA-MARKHAM PARTNERS, Denver, Colorado

violence, or stalking, the applicant must (1) fill out and submit to Landlord a Certification of Domestic Violence, Dating Violence or Stalking (HUD form 91066) and (2) submit a federal, state, tribal, territorial, or local police record or court record verifying that such domestic violence, dating violence or stalking has occurred or other documentation signed and attested to by a professional from whom the victim has sought assistance in addressing such domestic violence, dating violence or stalking verifying that such domestic violence, dating violence or stalking has occurred.

Applicants will not be rejected on the basis of race, color, creed, religion, sex, national origin including persons with LEP (Limited English Proficiency Persons is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.), ancestry, age, handicap or disability of any person, familial status, the use of a guide or support animal because of the physical handicap of the user or because the user is a handler or trainer of support or guide animals or because of the handicap or disability of an individual with whom the person known to have a relationship or association.

VI. NOTIFICATION OF CHANGES TO RESIDENT SELECTION CRITERIA

When management for the community updates or changes the resident selection plan, the following actions will be taken to notify both residents and applicants of the changes to the Resident Selection Criteria.

- A.** The updated Resident Selection Plan will be posted in the management office.
- B.** A letter will be mailed to all residents and applicants notifying them of the change to the Resident Selection Plan and informing them that they can review the changes at the management office.

VII. CHARGES IN ADDITION TO RENT

Late Fees: If the calculated tenant rent is not paid by the end of the 11th day of the month, the Landlord may collect a fee of \$10.00 on the 11th day of the month. .

Non-sufficient funds (returned checks): In the event of a first returned check for non-sufficient funds, no charges will be passed on to the resident. A second returned check will result in bank charges being charged to the resident. After two returned checks only certified funds will be accepted.



SILVA-MARKHAM PARTNERS, Denver, Colorado

Damages: Actual costs incurred for repairs due to damages caused by the resident will be charged back to the resident. Landlord may charge a \$50 refundable cleaning deposit fee for use of community common areas, equipment or facilities. A resident who fails to properly dispose of large items of trash may be charged the actual disposal fee incurred by Landlord.

VIII. SECURITY DEPOSITS

- A. The collection amounts of Security Deposits at initial move-in are equal to an amount up to, but not greater than, one month's Total Tenant Payment or \$50.00 whichever is greater. Security deposits are held in interest bearing accounts with interest income credited to the tenant. Interest income is computed in accordance with State/Local law. When state or local law is silent, or if HUD regulations are more demanding, HUD regulations are followed. A minimum of the actual rate earned on the security deposits is computed and credited to each tenant's portion of the security deposit. All security deposits are refundable if no damages or other charges are to be applied at move-out.

To receive a refund of the security deposit, a tenant must provide the owner with a forwarding address or arrange to pick up the refund.

- B. Internal Transfers: When a family transfers to a new unit, the original security deposit is refundable if no damages or other charges are to be applied at transfer. However, if there are damages or other charges, including any amount owed for rent on the old unit, this amount will be taken out of the original security deposit and any outstanding amount will be billed to the resident. Then a new security deposit will be collected.

IX. UNIT INSPECTIONS

A unit inspection form will be used at initial occupancy, a minimum of once annually, and at move-out. This report will be completed by the resident and management agent. A 24 hour notice will be provided for scheduled inspections.

X. OCCUPANCY STANDARDS

- A. The unit size will be based on household composition and size. The following are HUD's guidelines accordingly to the 4350.3 handbook and are as follows:
This will be adjusted to be property specific:

1-2	persons	1 Bedroom;
2-4	persons	2 Bedrooms



SILVA-MARKHAM PARTNERS, Denver, Colorado

- B. Applicants who qualify for two different sized units, and choose to move into the smaller unit will not qualify for a transfer to the larger size unit for three years if their family size remains the same.

XI. ACCESSIBLE UNITS

- A. For units accessible to persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority for those designated accessible units. These accessible units will be filled as follows:
 - i. A current household containing at least one person with such impairment.
 - ii. If no current household requires the features of the accessible unit, the unit will be offered to the next qualified applicant on the Waiting List.
 - iii. If no qualified applicant on the Waiting List requires the unit, it will be offered to the next applicant on the Waiting List in accordance with Waiting List Procedures, Section V. B. of this document. Should this applicant accept the unit, he/she will execute a statement that he/she will vacate the unit and move to a non-accessible unit, when a person requiring the special features qualifies. No costs of transfer will be borne by Management or the Owner.

XII. TRANSFER POLICY/PROCEDURE

A. Transfer Policy

- i. HUD Required Transfers - HUD requires residents to transfer to a larger or smaller unit based on family size or composition and requires Owners to make reasonable accommodations due to medical considerations.
- ii. If a resident's rent is not current at the time a unit becomes available, the next transfer in line will go first and their name will be placed at the bottom of the list for that particular bedroom size.
- iii. If a resident does not want to transfer at the time the unit is available, their name will be placed on the bottom of the list **UNLESS** the transfer is mandated by HUD. In this case, refusal to move will be cause for the termination of subsidy and the resident **WILL BE REQUIRED** to pay the current approved Market Rent for the unit they currently occupy.

B. Transfer Procedures

- i. Tenant Initiated
 1. Resident must complete a Transfer Request form.
 2. The resident must be in good standing and have no balances due.
 3. The Community Manager must complete a unit inspection of the resident's current unit. The results of this inspection must be satisfactory.



SILVA-MARKHAM PARTNERS, Denver, Colorado

4. A new security deposit in the amount of the original TTP will be collected prior to/at time of transfer. If the deposit for the old unit is refunded, a new security deposit amount will be determined for the new unit.
 5. A final bill on the old unit will be generated that will include all potential charges. If the old security deposit will not cover all damage/cleaning fees, it will also be required to provide additional funds up to the anticipated costs. All monies must be paid in full prior to actual transfer. If there is a remaining Security Deposit from the initial unit, it will be refunded within 30 days, or State Law.
 6. If damages are discovered after move-out, and were not included in the original estimate, the resident is responsible for payment of these damages within 30 days of the transfer. Any unpaid amounts will be transferred with the resident.
 7. On the scheduled date of the transfer, the Community Manager will perform a move-in unit inspection with the resident.
- ii. Reasonable Accommodation
1. Tenants requesting a reasonable accommodation must provide a certification in accordance with HUD regulations documenting the need for the transfer.
 2. Tenants are responsible for any damages to the previous unit, and charges will remain with the tenant until fully paid.
 3. If the request for reasonable accommodation is denied, a disabled resident has (14) days to notify the manager in writing or request a meeting to discuss the reason(s) of the denial.
 4. Current tenants with a request for reasonable accommodations will be placed on the transfer waiting list on the date of receipt of the request and second only to those with a documented need for an accessible unit.
- iii. HUD Required
1. If a household composition changes after a family moves into a unit, and are outside the parameters of the occupancy standards, households may be required to:
 - a. Move to a unit of appropriate size, if the size is available.
 - b. If the household refuses to move to the correct size unit, the household may stay in the current unit and pay the market rent. In the event if the household fails to pay the market rent the owner will take appropriate actions including eviction.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- c. If a household is in an accessible unit but does not need or no longer needs the accessible features the owner may request that the household moves to another unit in the project.

XIII. ANNUAL RECERTIFICATIONS

A. EIV (Enterprise Income Verification)

In January of 2010 HUD ruled that use of the (EIV) Enterprise Income Verification system is mandatory for all Section 8 project based properties. This system is an online system that is used to compare the income and Social Security number information provided by residents to information provided to several databases (including the National Directory of New Hires and Social Security). This information will be used to determine if there are any instances of fraud and/or misreported or under-reported income. Applicants and Residents will be given a copy of HUD's EIV and You Brochure at each certification, which will provide further detail on the uses and purposes of the EIV system. All recertifications will be processed using EIV to obtain benefits and income information compiled from SSA (Social Security Administration) and HHS (Health and Humane Services) databases.

B. Recertification

The status of each assisted resident family is to be re-examined at least once per year in accordance with an established recertification schedule.

C. Recertification Process

- i. Initial Notice: Upon initial signing of the lease and at each annual recertification, the resident must be provided an Initial Notice. The Resident must sign and date the initial notice to acknowledge receipt; and the Community Manager must sign and date the notice as a witness. A copy of the notice with the original signatures is to be maintained in the Resident file.
- ii. First Reminder Notice: The First Reminder notice will be sent 120 days prior to the recertification effective date. The notice will state the hours the office will be open for the recertification interview, what information the resident needs to bring to the interview, whom the resident should contact.
- iii. Follow-up Notices: Follow-up/second and third notices are to be sent 30 days apart following the First Reminder notice. They include all the information given in the First Reminder notice and also state that if the resident fails to respond to management, management may suspend resident assistance payments and increase the resident's rent to full market rent effective upon due date of recertification.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- iv. Third Final Reminder Notice – 60-day notice of Rent increase: If the resident has not responded to notices before 60-days prior to the recertification anniversary date, a Third Reminder notice must be forwarded to the resident no later than 60-days prior to the anniversary date. This notice serves as a 60-day notice to terminate assistance, as well as a 60-day notice of rent increase.

D. Required Documentation

Management requires a completed income and asset checklist and an Authorization for Release of Information Form, signed and dated by all adult household members.

If a Resident or any existing member of the Resident's household has a previously undisclosed Social Security number, or has been assigned a new Social Security number, the Resident must submit a valid Social Security number issued by the Social Security Administration. Previously undisclosed Social Security numbers must be submitted at the next interim or regularly scheduled reexamination or recertification. When a Resident requests to add a new household member(s), including a child or children, the Social Security number of the new household member(s) must be submitted at the time of the request or at the time of processing the interim reexamination or recertification of family composition that includes the new member(s). Failure to disclose Social Security numbers for each member of the household, regardless of age, will result in termination of assistance or termination of tenancy, or both.

E. Effective Date for Rent Adjustments

- i. Once rent is established, the rate shall remain in effect until the next annual recertification or an interim adjustment for an unanticipated change in income or family composition.
- ii. An approved contract rent change may affect the tenant rent portion if the utility allowance increases or decreases.
- iii. Resulting rent increases will take effect with a thirty (30) day notice, unless the household has caused a delay in completing the recertification. In such cases, the resulting rent increase will take effect retroactively to the scheduled effective date of recertification.
- iv. The completed HUD Form – 50059 and accompanying documents must be signed by the scheduled effective date of the recertification or date made effective for resident if owner or third party delay.

XIV. INTERIM RECERTIFICATIONS



SILVA-MARKHAM PARTNERS, Denver, Colorado

- A.** Interim recertifications will be processed using EIV to obtain benefits and income information compiled from SSA (Social Security Administration) and HHS (Health and Human Services) databases.
- B.** Residents shall report any of the following changes to management within ten calendar days of the change:
 - i.** Interim change in household composition (adding a new household member or a household member moves-out of the unit).
 - ii.** Change in household income amounting to \$200 or more per month.
 - iii.** An adult member of the family who was reported as unemployed obtains employment.
- C. Effective Dates of Rent Adjustments**
 - i.** Increases in rent will be made effective on the first day of the second month after the date of action causing the change occurred.
 - ii.** Decreases in rent will be made effective the first day of the month following the date in which the action occurred.
 - iii.** Changes not reported within ten days will be handled as follows:
 - 1.** Rent increases will be effective the first of the month following date of change.
 - 2.** Rent decreases will be effective the first of the month following date of notice.

XV. VERIFICATION OF INFORMATION – ANNUAL, INTERIM CERTIFICATIONS

A. Verification of Information for Interim and Annual Recertifications

- i.** Third party verification of income, assets and expenses (if applicable) is required for annual recertifications. For interim certifications, third party verification is required only for the changing factor(s). For annual and interim recertifications, EIV system will be used as the third-party source to verify employment and income information in conjunction with tenant provided original or authentic document(s) generated by a third party source. These documents must be current and can be in the form of pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices, etc. When no employment or income information is available in EIV and/or tenant provided documents are not available, a written request will be sent out to the applicable party verifying current information for an annual recertification or a change in income or composition for an interim recertification. Once third-party verifications are received, the annual or interim recertification will be processed.



SILVA-MARKHAM PARTNERS, Denver, Colorado

- ii. Verification forms are valid for 120 days from the date of receipt (not the effective date of the certification).
- iii. If the resident or any member of the household intentionally misrepresent or fails to report to management in writing all facts upon which the rent should be based, this shall constitute fraud and be considered a violation of the Lease Agreement and is grounds for eviction. A 30-day notice of any resulting increase will not be required due to resident error in reporting of change.

XVI. SECTION 504/FAIR HOUSING/CIVIL RIGHTS

- A. This property is an Equal Housing Opportunity Community. As such, this Community adheres to all federal Fair Housing and Civil Rights laws, all state and local regulations concerning nondiscrimination in housing and with all equal opportunity requirements in HUD administrative procedures.
- B. This property also adheres to the Fair Housing Act concerning nondiscrimination in housing.
- C. This property does not discriminate based on race, color, creed, religion, sex, national origin, ancestry, age, handicap or disability of any person, familial status, the use of a guide or support animal because of the physical handicap of the user or because the user is a handler or trainer of support or guide animals or because of the handicap or disability of an individual with whom the person is known to have a relationship or association.
- D. This property strictly adheres to these anti-discrimination laws and the Owner agrees that this property will be listed, shown, leased and managed in accordance with these laws.
- E. This property does not discriminate against any particular socio-economic classes (e.g., public assistance recipients, single parent households, etc.) or against individuals who are not members of any sponsoring organization of this Community.
 - i. These requirements apply to:
 - 1. Accepting and processing applications;
 - 2. Selecting residents from among eligible applicants on the Waiting List;
 - 3. Assigning units;
 - 4. Certifying and recertifying eligibility for assistance; and



SILVA-MARKHAM PARTNERS, Denver, Colorado

5. All other aspects of continued occupancy.
- F. This property does not discriminate against applicants/tenants who are victims of domestic violence, dating violence or stalking.

To file a complaint alleging violations with regard to Fair Housing laws or suspected discrimination, contact the Office of Fair Housing and Equal Opportunity at the Department of Housing and Urban Development (HUD) in _____, Telephone: _____.

XVII. SECTION 504 STATEMENT OF OBJECTIVE/REASONABLE ACCOMMODATIONS

In accordance with The Fair Housing Act, housing providers are required to provide reasonable accommodations in rules policies, practices and services in order to enable persons with disabilities to have an equal opportunity to use and enjoy a dwelling unit, including the public and common areas. The Fair Housing Act (Title VIII of the Civil Rights Act of 1968 amended in 1988) applies to every property within the portfolio. Under the Fair Housing Act, an individual with a disability is defined as follows:

“Any person who has a physical or mental impairment that substantially limits one or more life activities; has a record of such an impairment; or is regarded as having such an impairment.”
(24CFR 8.3).

Pursuant to HUD Notice 01-02 housing providers (Owner/Agent) are obligated to provide reasonable accommodations to individuals with disabilities. However, if providing such an accommodation would result in a financial and administrative burden, the housing provider is required to take any other action that would not result in an undue burden.

Section 504 defines an individual with a disability to include persons with a physical or mental impairment that substantially limits one or more major life activities.

A reasonable accommodation is a change, adaptation or modification to a policy, program, service, building, dwelling unit or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, live in a dwelling, or perform a job. It is the objective of this property to operate the housing program so that the program, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.



SILVA-MARKHAM PARTNERS, Denver, Colorado

The property will evaluate its program and activities to determine if any physical barriers to full participation by individuals with disabilities exist.

Procedure

In selecting among available methods, the following guidelines will be used:

1. Requests for reasonable accommodations are to be provided in writing by the Applicant or Resident to the Community Manager. Individuals whose disability prevents them from completing a written request have the right to request assistance with this process.
2. In the event third party verification is required from an independent medical professional, Management will request authorization from the Applicant/Resident for disclosure of need for reasonable accommodation. This verification will be mailed to the attending medical professional.
3. Upon receipt of the verification of accommodation from the attending physician, the Applicant/Resident will be notified in writing within 30 days if their request is approved.
4. Reasonable Modification to Existing Premises: Housing providers may refuse to provide a requested accommodation if it causes an undue financial and administrative burden on the provider's housing program. Management may grant the applicant/resident permission to modify the existing premises if the modification is reasonable, and if applicant/resident will enter into restoration agreement, and may be required to "pay into an interest bearing escrow account, over a reasonable period, the funds necessary to restore the premises to its original condition".
5. If the accommodation is denied, the Applicant/Resident may request a review of the decision by submitting an appeal in writing to the Section 504 Coordinator.
6. All requests are reviewed and approved or denied by the Section 504 Coordinator or their designee.
7. The appeal will be reviewed by the Section 504 Coordinator. A final decision will be made and notification sent to the Applicant/Resident within fifteen business days after the review.
8. Priority will be given to accommodations that are requested by individuals with disabilities.



SILVA-MARKHAM PARTNERS, Denver, Colorado

This property does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development’s regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

Date: _____

Resident’s Name _____

Apartment Number _____

Acknowledgement of Receipt

I acknowledge that I have received a copy of the Resident Selection Criteria.

Applicant/Tenant Signature

Date

Applicant/Tenant Signature

Date

